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THE ARTICLES OF CONFEDERATION, WITH AMENDMENTS :: :: :: APRIL OCTOBER, 1777

THE ARTICLES OF CONFEDERATION, WITH
AMENDMENTS : : : : APRIL-OCTOBER, 1777

69

ARTICLES

OF

CONFEDERATION AND PERPETUAL UNION,

BETWEEN THE STATES OF

NEW-HAMPSHIRE,
MASSACHUSETTS-BAY,
RHODE-ISLAND,
CONNECTICUT,
NEW-YORK,
NEW-JERSEY,
PENNSYLVANIA,
~~The Counties of NEW-CASTLE, KENT and SUSSEX on~~ DELAWARE,
MARYLAND,
VIRGINIA,
NORTH-CAROLINA,
SOUTH-CAROLINA, AND
GEORGIA.

1777 Monday April 21

aprils

Art. 2 Each state retains its sovereignty, freedom & independance and every power, jurisdiction and right, which is not by this confederation expressly delegated to the united states in Congress assembled.

Agreed

Art 3. agreed to. —

ART. I. THE name of this Confederacy shall be "THE UNITED STATES OF AMERICA."

3

ART. II. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them or any of them, on account of religion, sovereignty, trade, or any other pretende whatever.

ART. III. Each State reserves to itself the sole and exclusive regulation and government of its internal police in all matters that shall not interfere with the articles of this Confederation.

Agreed 21 Octo 1777

ART. IV. No State, without the consent of the United States in Congress Assembled, shall send any Embassy to or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States or any them, accept of any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States Assembled, or any of them, grant any title of nobility.

Agreed 21 Octo 1777

ART. V. No two or more States shall enter into any treaty, confederation or alliance whatever between them without the consent of the United States in Congress Assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

Agreed Sept 23 1777

ART. VI. No State shall lay any imposts or duties which may interfere with any stipulations in treaties ~~hereafter~~ entered into by the United States Assembled with any King, Prince or State. in pursuance of any treaties already proposed by Congress, to the courts of France and Spain

agreed Sept. 23, 1777

ART. VII. No veſſels of war ſhall be kept up in time of peace by any State, except ſuch number only as ſhall be deemed neceſſary by the United States Aſſembled for the defence of ſuch ſtate or its trade, nor ſhall any body of forces be kept up by any State in time of peace, except ſuch number only as in the judgment of the United States in Congreſs Aſſembled ſhall be deemed requiſite to garriſon the forts neceſſary for the defence of ſuch State, but every State ſhall always keep up a well regulated and diſciplined Militia, ſufficiently armed and accoutred, and ſhall provide and conſtantly have ready for uſe in public ſtores a due number of field pieces and tents and a proper quantity of ammunition and camp equipage.

agreed Sept. 23 1777

ART. VIII. When land forces are raiſed by any State for the common defence, all officers of or under the rank of Colonel ſhall be appointed by the legiſlatures of each State reſpectively by whom ſuch forces ſhall be raiſed, or in ſuch manner as ſuch State ſhall direct, and all vacancies ſhall be filled up by the State which firſt made the appointment.

amended Oct. 14, 1777

ART. IX. All charges of war and all other expences that ſhall be incurred for the common defence or general welfare, and allowed by the United States Aſſembled, ſhall be defrayed out of a common treaſury, which ſhall be ſupplied by the ſeveral States in proportion to the number of inhabitants of every age, ſex and quality, except Indians not paying taxes in each State; a true account of which, diſtinguiſhing the white inhabitants, ſhall be triennially taken and tranſmitted to the Aſſembly of the United States. The taxes for paying that proportion ſhall be laid and levied by the authority and direction of the legiſlatures of the ſeveral States within the time agreed upon by the United States Aſſembled.

agreed Sept. 23 1777

ART. X. Every State ſhall abide by the determinations of the United States in Congreſs Aſſembled, on all queſtions which by this Confederation are ſubmitted to them.

agreed Sept. 23 1777

ART. XI. No State ſhall engage in any war without the conſent of the United States in Congreſs Aſſembled, unleſs ſuch State be actually invaded by enemies or ſhall have received certain advice of a reſolution being formed by ſome nation of Indians to invade ſuch State, and the danger is ſo imminent as not to admit of a delay till the other States can be conſulted; nor ſhall any State grant commiſſions to any ſhips or veſſels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States Aſſembled, and then only againſt the Kingdom or State and

Amended & agreed to Sept. 23 1777

the subjects thereof against which war has been so declared, and under such regulations as shall be established by the United States Assembled.

ART. XII. For the more convenient management of the general interests of the United States, Delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet at the city of Philadelphia in Pensylvania, until otherwise ordered by the United States in Congress Assembled, which meeting shall be on the first Monday in November in every year, with a power reserved to each State to recal its Delegates or any of them at any time within the year, and to send others in their stead for the remainder of the year. Each State shall support its own Delegates in a meeting of the States, and while they act as members of the Council of State herein after mentioned.

ART. XIII. In determining questions each State shall have one vote.

ART. XIV. The United States Assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the eleventh article—of establishing rules for deciding in all cases what captures on land or water shall be legal—in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—granting letters of marque and reprisal in times of peace—appointing Courts for the trial of piracies and felonies committed on the high seas—establishing Courts for receiving and determining finally appeals in all cases of captures—sending and receiving Ambassadors—entering into treaties and alliances—deciding all disputes and differences now subsisting or that hereafter may arise between two or more States, concerning boundaries, jurisdictions, or any other cause whatever, coining money and regulating the value thereof—fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs with the Indians, not members of any of the States—Establishing and regulating Post-Offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expences of said office—appointing all officers of the land forces in the service of the United States—commissioning such other officers of the land forces as shall be appointed by virtue of the eighth article—appointing all the officers of the naval forces in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

THE United States in Congreſs Aſſembled ſhall have authority to appoint a Council of State and ſuch Committees and Civil Officers as may be neceſſary for managing the general affairs of the United States, under their direction while aſſembled and in their receſs under that of the Council of State—to appoint one of their number to preſide and a fitteble perſon for Secretary, and to adjourn to any time within the year and to any place within the United States—to agree upon and fix the neceſſary ſums and expences—to borrow money or emit bills on the credit of the United States—to build and equip a navy—to agree upon the number of land forces, and to make requiſitions from each State for its quota in proportion to the number of white inhabitants in ſuch State, which requiſitions ſhall be binding, and thereupon the legiſlature of each State ſhall appoint the regimental officers, raiſe the men, and arm and equip them in a ſoldier-like manner, and the officers and men ſo armed and equipped ſhall march to the place appointed and within the time agreed on by the United States Aſſembled.

BUT if the United States in Congreſs Aſſembled ſhall on conſideration of circumſtances judge proper that any State or States ſhould not raiſe men, or ſhould raiſe a ſmaller number than the quota or quotas of ſuch State or States, and that any other State or States ſhould raiſe a greater number of men than the quota or quotas thereof, ſuch extra numbers ſhall be raiſed, officered, armed and equipped in the ſame manner as the quota or quotas of ſuch State or States, unleſs the legiſlature of ſuch State or States reſpectively ſhall judge that ſuch extra-numbers cannot be ſafely ſpared out of the ſame, in which caſe they ſhall raiſe, officer, arm and equip as many of ſuch extra-numbers as they judge can be ſafely ſpared. And the officers and men ſo armed and equipped ſhall march to the place appointed and within the time agreed on by the United States Aſſembled.

THE United States in Congreſs Aſſembled ſhall never engage in a war, nor grant letters of marque and repriſal in time of peace, nor enter into any treaties or alliances except for peace, nor coin money nor regulate the value thereof, nor agree upon nor fix the ſums and expences neceſſary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of veſſels of war to be built or purchaſed, or the number of land or ſea forces to be raiſed, nor appoint a Commander in Chief of the army or navy unleſs nine States aſſent to the ſame, nor ſhall a queſtion on any

other point, except for adjourning from day to day be determined, unleſs by the votes of a majority of the United States.

No perſon ſhall be capable of being a Delegate for more than three years in any term of ſix years.

No perſon holding any office under the United States for which he, or another for his benefit, receives any ſalary, fees or emolument of any kind, ~~ſhall be capable of being a Delegate~~.

THE Aſſembly of the United States to publiſh the Journal of their Proceedings monthly, except ſuch parts thereof relating to treaties, alliances, or military operations, as in their judgment require ſecrecy, the yeas and nays of the Delegates of each State on any queſtion to be entered on the Journal when it is deſired by any Delegate; and the Delegates of a State or any of them, at his or their requeſt, to be furniſhed with a tranſcript of the ſaid Journal, except ſuch parts as are above excepted, to lay before the legiſlatures of the ſeveral States.

ART. XV. ~~The Council of State ſhall conſiſt of one~~ Delegate from each State, to be named annually by the Delegates of each State, and where they cannot agree, by the United States aſſembled.

~~The Council~~ ſhall have power to receive and open all letters directed to the United States, and to return proper anſwers; but not to make any engagements that ſhall be binding on the United States—To correſpond with the legiſlature of every State, and all perſons acting under the authority of the United States, or of the ſaid legiſlatures—To apply to ſuch legiſlatures, or to the Officers in the ſeveral States who are entruſted with the executive powers of government, for occaſional aid whenever and wherever neceſſary—To give counſel to the Commanding Officers, and to direct military operations by ſea and land, not changing any objects or expeditions determined on by the United States Aſſembled, unleſs an alteration of circumſtances which ſhall come to the knowledge of the Council after the receſs of the States, ſhall make ſuch change abſolutely neceſſary—To attend to the defence and preſervation of forts and ſtrong poſts—To procure intelligence of the condition and deſigns of the enemy—To expedite the execution of ſuch meaſures as may be reſolved on by the United States Aſſembled, in purſuance of the powers hereby given to them—To draw upon the Treaſurers for ſuch ſums as may be appropriated by the United States Aſſembled, and for the payment of ſuch contracts as the

said Council may make in pursuance of the powers hereby given to them—To superintend and controul or suspend all Officers civil and military, acting under the authority of the United States—In case of the death or removal of any Officer within the appointment of the United States Assembled, to employ a person to fulfill the Duties of such Office until the Assembly of the States meet—To publish and disperse authentic accounts of military operations—To summon the Assembly of the States at an earlier day than that appointed for their next meeting, if any great and unexpected emergency should render it necessary for the safety or welfare of the United States or any of them—To prepare matters for the consideration of the United States, and to lay before them at their next meeting all letters and advices received by the Council, with a report of their proceedings—To appoint a proper person for their Clerk, who shall take an oath of secrecy and fidelity before he enters on the exercise of his office—Seven Members shall have power to act—In case of the death of any Member, the Council shall immediately apply to his surviving colleagues to appoint some one of themselves to be a Member thereof till the meeting of the States, and the only surviving they shall give immediate notice, that he may take his seat as a Councillor till such meeting.

ART. XVI. Canada acceding to this Confederation, and entirely joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this Union: But no other Colony shall be admitted into the same unless such admission be agreed to by nine States.

THESE Articles shall be proposed to the legislatures of all the United States, to be by them considered, and if approved by them, they are advised to authorise their Delegates to ratify the same in the Assembly of the United States, which being done, the Articles of this Confederation shall inviolably be observed by every State, and the Union shall be perpetual: Nor shall any alteration at any time hereafter be made in these Articles or any of them, unless such alteration be agreed to in an Assembly of the United States, and be afterwards confirmed by the legislatures of every State.

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1774–1789

EDITED FROM THE ORIGINAL RECORDS
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WORTHINGTON CHAUNCEY FORD,
CHIEF, DIVISION OF MANUSCRIPTS

Volume IX. 1777

October 3–December 31

WASHINGTON
GOVERNMENT PRINTING OFFICE
1907

FRIDAY, OCTOBER 3, 1777

Letters of the 1st, and 12 September, from Captain N. Biddle, of the *Randolph*, the first containing charges against Lieutenant Panatiere de la Falconer; one, of the 26 August, and one, of the 12 September, from John Dorsius; and, two letters of intelligence respecting stores and cloathing, were read:[1]

Ordered, That everything relative to the intelligence now received respecting stores and cloathing be kept secret.

That the Committee of Commerce be authorized and directed to pursue such measures as they judge proper in consequence of the intelligence now received.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That there be paid to James Hays, in discharge of a bill of exchange assigned to him, drawn by John Ashe, Esq^{r}, public treasurer of the State of North Carolina, on the continental treasurer, 250 dollars, being for pay and subsistence of the continental troops raised in that State; the said sum to be charged to the State of North Carolina and being in part of the money heretofore appropriated for the use of that State.

Adjourned to 4 o'Clock P. M.

FOUR O'CLOCK, P. M.

Met.

Resolved, That Monday next be assigned for appointing commissioners to audit and settle the accounts of Georgia against the United States.

[1] The letters of Nicholas Biddle are in the *Papers of the Continental Congress*, No. 78, II, folios 237 and 241. Three of Dorsius are in No. 78, VII, folios 113, 117, and 127. Two anonymous letters on stores are in No. 78, I, folios 121 and 125.

1082

The Board of War brought in a report, which was taken into consideration; Whereupon, it was moved,

"That the consideration of the report of the Board of War, respecting the Baron de Kalb, be postponed; that a copy of the Baron's letter to R[ichard] H[enry] Lee, Esq[r] of the 28 September, and of General Conway's letter to Congress of the 25 September, be transmitted to General Washington, and that General Washington direct an enquiry to be made into the priority of rank between the Baron de Kalb and General Conway in France, and report the same to Congress:" And the question being put, and the yeas and nays required:

New Hampshire,			*Maryland*,		
Mr. Folsom,	no	no	Mr. Chase,	no	div.
Massachusetts Bay,			Carroll,	ay	
Mr. S. Adams,	no		*Virginia*,		
J. Adams,	no	no	Mr. Harrison,	ay	
Gerry,	no		Jones,	ay	div.
Lovell,	no		F. L. Lee,	no	
Rhode Island,			R. H. Lee,	no	
Mr. Marchant	no	no	*North Carolina*,		
Connecticut,			Mr. Penn,	ay	ay
Mr. Dyer,	no		Harnett,	ay	
Law,	ay	no	*South Carolina*,		
Williams,	no		Mr. Middleton,	ay	
New York,			Heyward,	no	no
Mr. Duane,	ay	ay	Laurens,	no	
Duer,	ay		*Georgia*,		
Pennsylvania,			Mr. Brownson,	no	no
Mr. Roberdeau,	no	no			

So it passed in the negative.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 4, 1777

A letter, of the 30 September, from Charles Stewart, commissary general of issues, and one of this day from the Chevalier de Preudhomme de Borré, were read:[1]

Ordered, That such part of Mr. Stewart's letter as relates to money, be referred to the Board of Treasury, and the remainder to the Board of War.

Congress took into consideration the letter of the 1st, from Mons. Preudhomme de Borré, wherein he asks to be made a major general, and complains of being condemned before he was heard; and considering that Congress had ordered an enquiry into the conduct of Mons[r] de Borré, and that he, being notified thereof, did, on the 14 of September, wait on the president with an offer to resign his commission of brigadier general; and his resignation being accepted,

Resolved, That Congress do not consider him as an officer in the service of the United States, he having resigned his commission; and that his request to be made a major general, or to be further employed in the service of the United States, cannot be complied with.

A motion being made, "That General Washington be directed to order 2,000 stands of the arms expected from Springfield, to the State of Maryland, to be delivered to the governor and the council of that State, the arms so delivered to be charged to that State:" on motion made, and question put,[2]

[1] The letter of De Borré is in the *Papers of the Continental Congress*, No. 78, II, folio 279.

[2] This motion, in the writing of Samuel Chase, is in the *Papers of the Continental Congress*, No. 36, I, folio 13a.

Resolved, That the consideration thereof be postponed.

The House was moved to pass the following resolution: "Whereas, it appears by letters to Congress from John Adam Treutlan, Esq[r] governor of Georgia, and particularly by one dated the 19 June last, that it is the desire of the executive powers of government in the State of Georgia, that Congress should take under their consideration the several accusations against George M'Intosh, and determine on the case, and for that purpose have transmitted to Congress, divers minutes of council and assembly, together with certified copies of depositions relative to the said case, and had for that purpose ordered that the said M'Intosh should be conducted under guard to Philadelphia; and whereas, the said George M'Intosh has signified his consent to submit to an enquiry, by a committee of Congress, into the causes of his commitment:

Resolved, That the committee appointed to consider and report upon the letters, depositions, and other papers which have been received from Governor Treutlan, be authorized to inform the said G. M'Intosh, now attending the orders of Congress, of the accusations alledged against him, and to furnish him, if he shall require it, with copies of the depositions and other evidence in support of the charge, to hear and receive such answers as he may offer in his defence, and report the whole to Congress."

Question put, passed in the negative.

It was then moved, that the committee to whom the letters from Governor Treutlan, with the papers accompanying them, [were referred,] be discharged from considering them; and the question being put, and the yeas and nays required:

New Hampshire,			*Maryland*,		
Mr. Folsom,	ay	ay	Mr. Chase,	ay	
Massachusetts Bay			Carroll,	ay	ay
Mr. S. Adams,	no		Smith,	ay	
J. Adams	no	no	*Virginia*,		
Gerry,	no		Mr. Harrison,	no	
Lovell,	no		F. L. Lee,	ay	
Rhode Island,			Jones,	ay	ay
Mr. Marchant	no	no	R. H. Lee,	ay	
Connecticut,			*North Carolina*,		
Mr. Dyer,	ay		Mr. Penn,	ay	
Law,	no	ay	Harnett,	ay	ay
Williams,	ay		*South Carolina*,		
New York,			Mr. Middleton,	ay	
Mr. Duane,	no		Heyward,	ay	ay
Duer,	no	no	Laurens,	no	
Pennsylvania,			*Georgia*,		
Mr. Roberdeau,	no	no	Mr. Brownson,	ay	
			Walton,	no	div.

So it was resolved in the affirmative.

A motion was then made respecting George M'Intosh; and, on a motion, made,

Resolved, That the consideration thereof be postponed till Monday next.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That there be paid to Mons. de Romanet, Mons. du Ballet, Mons. Villefranche, Mons. l'Enfant, Mons. Niverd, Mons. Fouquet and Mons. Fouquet, Junr lately arrived from France, to tender their services to the United States, each 100 dollars, for which they shall respectively be accountable.[1]

Resolved, That the commissary general of issues be supplied, from time to time, with money for the payment of the several officers and other expences of his depart-

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 136, I, folio 427.

ment, out of the continental treasury, for which purpose he is to apply to Congress, and to be accountable for the expenditure; and that 10,000 dollars be advanced to him or his agent, on account of the said department, for which he is to be accountable.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

The committee to whom were referred the two letters to William Buchanan, Esq[r] commissary general of purchases; the one from Peter Colt, Esq[r] deputy commissary general of purchases; [dated 2 September] and the other from Major General Putnam, commanding officer at Peekskill, [dated the 7 September] on the subject of the commissary general's department, brought in a report, which was taken into consideration; Whereupon,

1. *Resolved*, That if the deputy commissary general of purchases, or of issues, appointed for the eastern district, shall decline to accept of, or officiate in, their respective offices, Major General Putnam, the commanding officer at Peekskill, or the commanding officer there for the time being, be authorized and directed to appoint suitable persons to those respective offices, or either of them; and that Major General Gates, or the commanding officer for the time being of the northern department, have similar power with respect to the deputy commissary general of purchases and of issues for the northern department, and that they respectively certify the names of the commissaries, which they may appoint, to Congress, for their approbation.

2. *Resolved*, That every assistant appointed, or that hereafter may be appointed by the respective deputy commissaries general of purchases and of issues, shall enter into bond to the president of Congress, in the penalty of

5,000 dollars, for the faithful performance of his duty; and such bond, being taken by the deputy commissary general, and lodged with the pay master general, or deputy pay master general of the district, to be by him transmitted to the Treasury Board, the deputy commissary general shall no longer be chargeable or accountable for the good behaviour of such assistants:

3. That every deputy commissary general shall be authorized to appoint as many clerks, not exceeding the number of three, as the respective commissaries general shall judge necessary, who are directed to report the same to Congress.

4. And whereas it is represented that it will be exceeding difficult to comply with the regulations of Congress, for branding and numbering cattle on the horns:

Resolved, That the purchasers of live stock be respectively directed to adopt such other modes for marking the same as they shall judge expedient, and to transmit to Congress, by the earliest opportunity, the regulations for that purpose by them adopted:[1]

5. That the Commissary General of purchases be directed to inform the Deputy Commissary General of purchases for the eastern District, that the Regulations of Congress requiring the Receipts of the issuing Commissaries as Vouchers to the Accounts of the purchases of Cattle are necessary, as well to ascertain the Weight of the Meat, Hides, and Tallow w^{ch} the s^{d} issuing Commissaries are respectively to account for, as to inform Congress with the Cost thereof, and therefore that the said Regulations can by no Means be dispensed with.[2]

5. That each of the deputy commissaries general of purchases be authorized to allow to the purchasers of live stock, in his respective district, a longer time for making the returns required by the 10th article of the regulations

[1] The original report read: "expedient; and to describe the Cattle by their natural Marks alone, when those are sufficient, or others cannot be provided."

[2] Against this paragraph was written "Omit this Clause."

of the departments of the commissaries, than is therein specified; provided such deputy commissary general shall judge it necessary, and the time further allowed does not exceed one month. And if, in the hurry of a march or engagement, or at any other time, any deputy appointed to receive, kill, and deliver live stock, shall be unable to weigh the meat, hides, and tallow thereof, he shall be indemnified from any charge of neglect, upon producing to the respective purchaser of cattle, a certificate from the commanding officer of the army, post, or detachment, of the fact as aforesaid; and such certificate shall also excuse the purchaser of live stock from producing the receipt of the issuing commissary, required by the 14th article of the said regulations:

6. *Resolved*, That it Never was the Intention of Congress, by any of the regulations of the Commissarys Departments, to charge the Loss of Cattle on the Road, or straying from their Keepers at the Camp, to the purchaser of Live Stock, or any officer of the Department unless when the Officers on whom it was incumbent, shall not have taken proper and reasonable Care, according to the Circumstances of the place, post, or Magazine, for the Security of such Cattle.[1]

6. That it never was the intention of Congress to make any purchaser of live stock, or officer of the department, liable for unavoidable loss of all or any part of such live stock, when such purchaser or officer shall make appear that proper care hath been taken to prevent such loss.

Resolved, That there be advanced to Marquis Calmes, commander of the division of Virginia militia from Frederick county, 1,000 dollars, for the use of the said division, the said Marquis Calmes to be accountable.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That there be advanced to Captain Weaver,

[1] This paragraph was replaced by that which follows. The amended form is in the writing of Richard Henry Lee.

appointed to conduct the prisoners of war to Virginia, 2,000 dollars, for the use of the detachment under his command, and the support of the prisoners in the march; and for which he shall be accountable.

Congress resumed the consideration of the report from the Board of War; Whereupon,

Resolved, That the Baron de Kalb be at liberty to give up his commission of major general, if the contingency mentioned in his letter of the 28 ult. should happen:

That the Baron de Kalb's commission be dated the same day with that of the Marquis de la Fayette, [agreeable to the request of the Baron]:[1]

That the Chevalier de Buisson have a Brevett Commission of Lieut. Colonel with the Pay of a Major.

That a compliance with the 4 and 5 articles of Baron de Kalb's letter would be improper at this time, as Congress have not made any provision for their own officers, with whom foreign officers of equal merit and service will always be considered on a footing.

[*Resolved*,] That the commissary general of purchases employ a proper person to receive all the wheat belonging to the United States in the several mills and store-houses in the neighbourhood of York Town, and have such parts as are good manufactured into flour and delivered to the commissary general of issues; the bran and damaged wheat to be delivered to the commissary of forage.

Resolved, That Major Henry Brockholst Livingston, aid de camp to Major General Schuyler, be promoted to the rank of lieutenant colonel, as a reward for his merit and services in the American army.[2]

[1] Words in brackets were added by John Hancock.

[2] This paragraph was not in the original report. In the writing of Charles Thomson it is in the *Papers of the Continental Congress*, No. 147, I, folio 352, with 9 ayes and 1 no recorded.

Resolved, That Major Troup, aid de camp to General Gates, be presented with a commission of lieutenant colonel, as a reward of his merit and services in the American army.

Resolved, That the Chevalier de Buisson shall have a commission as a major, and that whenever he shall think proper to return to France, he shall, if not promoted before that time to a higher rank, receive a commission of lieutenant colonel.[1]

Resolved, That it be referred to General Washington to make such provision for the quartering the troops in the winter season, as he shall think proper.

Resolved, That a standing committee of Indian affairs be appointed, and that the petition of Abraham Nimham be referred to them:

That Monday next be assigned for appointing the said committee.

Resolved, That the governor and council of New York, be desired to erect a monument, at continental expence, of the value of 500 dollars, to the memory of the late Brigadier Herkimer, [commanding the militia of Tryon county, in the state of New York,][2] who was killed fighting gallantly in defence of the liberties of these states.

Resolved, That a letter be written to General Gates, informing him, that Congress highly approve of the prowess and behaviour of the troops under his command, in their late gallant repulse of the enemy under General Burgoyne.[3]

Resolved, That the thanks of Congress be presented to General Stark of the New Hampshire militia, and the

[1] This paragraph was not in the original report. In the writing of William Duer (?) it is in the *Papers of the Continental Congress*, No. 147, I, folio 355, with Chase alone in the negative.

[2] Words in brackets were added by John Hancock.

[3] This report, dated October 1 and 2, and in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 349.

officers and troops under his command, for their brave and successful attack upon, [and signal victory over,][1] the enemy in their lines at Bennington: and that Brigadier Stark be appointed a brigadier in the army of the United States.

On the last clause, the yeas and nays were required and taken, as follows:

New Hampshire,			*Maryland*,		
Mr. Folsom,	ay	ay	Mr. Carroll,	ay	div.
Massachusetts Bay,			Chase,	no	
Mr. S. Adams,	ay	ay	*Virginia*,		
J. Adams,	ay		Mr. Jones,	ay	*
Lovell,	ay		R. H. Lee,	ay	
Rhode Island,			*North Carolina*,		
Mr. Marchant,	ay	ay	Mr. Penn,	ay	ay
Connecticut,			Harnett,	ay	
Mr. Dyer,	ay	ay	*South Carolina*,		
Law,	ay		Mr. Heyward	ay	ay
Williams,	ay		Laurens,	ay	
New York,			*Georgia*,		
Mr. Duane,	ay	ay	Mr. Walton,	ay	ay
Duer,	ay				
Pennsylvania,					
Mr. Roberdeau,	ay	ay			

So it was resolved in the affirmative.

Resolved, That the thanks of Congress be given to Colonel Gansevoort, and to the officers and troops under his command, for the bravery and perseverance which they have so conspicuously manifested in the defence of Fort Schuyler:

That Colonel Gansevoort be appointed colonel commandant of the fort he has so gallantly defended.

That Congress have a just sense of the distinguished

[1] Words in brackets were added by John Hancock.

[*] The original report here added: "subject to the Orders of the Commander in Chief in the Northern Department."

merit of Lieutenant Colonel Willet, for a repeated instance of his bravery and conduct in his late successful sally on the enemy investing Fort Schuyler; [and that the commissary general of military stores be directed to procure an elegant sword, and present the same to Lieutenant Colonel Willet, in the name of these United States.][1]

That a Letter be written to General Gates informing him that Congress highly approve of the Behaviour of the Troops under his Command in their late gallant and spirited Repulse of the Enemy under General Burgoyne.[2]

That Daniel and Samuel Hughes of the State of Maryland should be released from their Contract for supplying the United States with Cannon at the Rate of per Ton and that it should be referred to Arbitraters, to be respectively appointed by Daniel and Samuel Hughes and by the Board of War in Behalf of the United States, to settle the Accounts for Monies advanced to the said Daniel and Samuel Hughes, and if they should judge it equitable, to make such additional Allowance to the Contract Price for Cannon already cast, as they shall deem sufficient to ensure a reasonable Profit to the said Daniel and Samuel Hughes for the Trouble they have been at in carrying on their Works for the Public Use.

Postponed.

That the Works of Daniel and Samuel Hughes should be engaged for the Public Use from the Day of to the Day of 1779; and that a Contract should be made forthwith to allow them for what Cannon, Mortars and other Ordnance or Stores they may cast during that Term at the same averaged Price p^{r} Ton as Potts shall bear at Quarterly Periods at any two Furnaces which the Board of War shall think proper to point out in said Contract. The Price of Carriage to be allowed from the Furnace of the said Daniel and Samuel Hughes to the Places where they are to be delivered, at the customary Rates.[3]

Postponed.

[1] Words in brackets were added by John Hancock.

[2] This paragraph was struck out. In margin, Peters has written: "Qy. if not reported before?" See page 770, *ante*.

[3] This report, dated October 4, and in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 357. The members of the Board present were: John Adams, Samuel Adams, William Duer, Francis Lightfoot Lee and Charles Carroll.

Resolved, That the commissary of prisoners be directed to provide, under the directions of the Board of War, log barracks for the continental prisoners of war, that are already, or may hereafter be, sent to the commonwealth of Virginia, at such place or places as the governor and council of that State shall approve; that, in the construction thereof, regard be had to the health and safe-keeping of the prisoners, and that a convenient space of ground, surrounding or adjoining thereto, be set apart for benefit of air, and so enclosed, as to prevent all intercourse with the inhabitants; that until such barracks be provided, the prisoners be sent to the county lieutenants of Frederick and Augusta counties, in Virginia, to be by them secured, at continental expence, in such manner as shall be suitable for prisoners of war, and until the governor and council of Virginia shall take further order herein.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock Monday.

MONDAY, OCTOBER 6, 1777

A letter, of the 3d, from General Washington, 20 miles from Philadelphia, enclosing a copy of a proclamation by Sir William Howe, dated 28 of September; one of the 29 September from General Putnam, at Peeks Kill; and one, of the 5 inst. from Chevalier de Preudhomme de Borré. ||were read:||[2]

Ordered, That the copy of the proclamation be referred to the Committee of Intelligence; and that ~~the letter from~~

[1] This paragraph, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 147, I, folio 353. Thomson has noted 7 ayes and 4 noes.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 77. It is printed in *Writings of Washington* (Ford), VI, 91. That of Putnam is in No. 159, folio 99, and that of De Borré, in No. 78, II, 283.

~~General Putnam be referred to the Board of War.~~ they be directed to prepare an address to the inhabitants of Pensylvania, and report the same to Congress.

Ordered, That a copy of the letter from General Putnam, be immediately transmitted to General Washington; and that he pursue such measures in consequence thereof, as he judges most conducive to the public safety, and that he advise General Gates of the steps he may think proper should be taken.

Ordered, That a copy of the said letter be sent to General Gates, and that he be directed to give such assistance for strengthening the defences of Hudson's river, as the circumstances of his own department may admit, of which he is to judge.

Resolved, That General Washington be directed, if the situation of his army will admit, to send one of the four engineers to do duty at Fort Montgomery and the defences on Hudson's river.

Ordered, That the letter from the Chevalier de Preudhomme de Borré, be referred to the Board of War, and that they be directed to report thereon as soon as possible.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That two companies be raised on continental establishment for the purpose of guarding the stores at Carlisle; these companies to have no bounty, and to be inlisted for one year, unless sooner discharged by Congress, under an engagement from Congress that they shall not be removed from Carlisle, nor be ordered on any other service. That James Armstrong Wilson be appointed to one of the said companies, with the rank and pay of a major, and that Samuel Postlethwaite be appointed captain of the other company.

Resolved, That the commissaries general of purchases and issues, and their deputies and assistants, have power

and authority to impress and seize waggons, shallops, and proper store-houses, on extraordinary occasions, for the use of their departments; this authority to extend to the distance of 70 miles from head-quarters, and to be in force until the first day of January next, and no longer; and that they respectively be directed not to contravene a former resolution of Congress, relative to waggons going with necessaries to the army; and, as far as circumstances will admit, that they exercise their authority on persons who have not taken the oaths or affirmations of allegiance to the respective states, in compliance with the laws of such states.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That there be advanced to George Eichelberger, Esq[r] deputy quarter master general at Yorktown, 2,500 dollars, on his application in behalf of the quarter master general, for the use of that department, and for which the quarter master general is to be accountable; and that a copy of this order be sent to General Mifflin, quarter master general.

Ordered, That there be paid to William Ch[urchill] Houston, or his order, 333 1/3 dollars, for his salary as deputy secretary of Congress, from the 1st day of April to 1st of September last, being five months, at the rate of 800 dollars per ann.

Resolved, That the drawing of the United States' lottery be deferred until the sixth day of January next, on account of the unsettled state of the commonwealth of Pensylvania, occasioned by the invasion of the enemy; and that the managers of the said lottery give notice thereof by advertisement in the newspapers of the several states.[1]

Adjourned to 4 o'Clock.

[1] In the margin is written "To Mr. Searle." This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 136, I, folio 429.

1092

FOUR O'CLOCK, P. M.

Met.

A letter, of the 5, from General Mifflin, enclosing one of the 4th, from Colonel Lutterloe, was read.

Congress proceeded to the election of a committee for Indian affairs; and, the ballots being taken, Mr. [James] Duane, Mr. [George] Walton, Mr. [Thomas] Burke, Mr. [Joseph] Jones and Mr. [Richard] Law, were elected.

A petition, from Charles M. Davitt, Patrick Smith and others, was read:

Ordered, That the said petition be referred to the commissioners of accounts for the northern department, and that they or any two of them enquire into the facts suggested by the petitioners, and also into the objections made by General Gates against allowing the claims of the petitioners, and make report thereof to Congress, delivering a copy of their report to General Gates.[1]

Ordered, That the letters of the 19 June, and the 14 August, from Governor J. A. Treutlan, be referred to the Board of Treasury.

Ordered, That to morrow morning, at 11 o'clock, Congress take into consideration that part of the confederation that relates to the mode of voting in Congress.

Resolved, That so much of the resolution of the 23d day of March, 1776, as directs that the wages of seamen and mariners taken on board British merchant vessels, be paid and deducted out of the prize money, be repealed and made null and void.

Resolved, That all masters, officers and mariners, and all subjects of the king of Great Britain, taken on board any prize made by any continental vessel of war, be hereafter considered as prisoners of war, and treated as such; and that the seamen and mariners of such prize be con-

[1] In the margin is written "To Mr. Duane."

fined in the gaols or some other secure place in the State to which the prize shall be carried; and it is recommended to the several states to consider and treat all captains, officers and mariners, and all subjects of the king of Great Britain, taken on board any prize made by any vessel fitted out by, or carried into, any State by any privateer or letter of marque, as prisoners of war.

Ordered, That the commissary general of prisoners be informed of this resolve; and that he be directed to appoint a deputy in each State.

Resolved, That it be recommended to the legislatures of the several states to pass laws, declaring, that any person, his aider or abettor, who shall wilfully and maliciously burn or destroy, or attempt or conspire to burn or destroy, any magazine of provisions, or of military or naval stores, belonging to the United States; or if any master, officer, seaman, mariner or other person entrusted with the navigation or care of any continental vessel, shall wilfully and maliciously burn or destroy, or attempt or conspire to burn or destroy, any such vessel, or shall wilfully betray or voluntarily yield or deliver, or attempt or conspire to betray, yield or deliver, any such vessel to the enemies of the United States, such person, his aider or abettor, on legal conviction thereof, shall suffer death without benefit of clergy.

A letter, of the 25 September, from Brigadier Parsons, was read, recommending Mr. [Timothy] Dwight to be appointed chaplain to his brigade; Whereupon,[1]

Resolved, That the Rev. Mr. Dwight be appointed a chaplain to Brigadier Parsons' brigade.

Ordered, That the resolution of Congress of the 10th of September last, for paying the interest of money lent the Continent with bills of exchange on the commissioners

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 151.

at Paris, be without delay transmitted to the executive powers of the several states, with a request, that they will order the same to be published in their respective gazettes for six months, successively.

The several matters to this day referred, being postponed.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 7, 1777

A letter, of this day, from Peter Tarlan, deputy quarter master general for Georgia, was read:[1]

Ordered, That it be referred to the Board of Treasury.

Ordered, That 200 dollars be advanced to R. Peters, Esq[r] secretary of the Board of War, for contingent expences, and for which he is to be accountable.

A memorial, from Mons. le Brun, was read:[2]

Ordered, That it be referred to the Board of War.

Agreeable to the order of the day, Congress took into consideration the 13th article of the confederation as reported by the committee of the whole, viz.: "In determining questions each State shall have one vote." To which sundry amendments were moved. After debate, the further consideration thereof was postponed to the afternoon.

Ordered, That 20,000 dollars be advanced and charged to the Committee of Commerce, by a draught on the loan office in Boston, to be paid to Mr. John Bradford, agent for the committee, he to be accountable to the committee.

Adjourned to 4 o'Clock.

[1] The letter from Peter Tarling is in the *Papers of the Continental Congress*, No. 78, IX, folio 121.

[2] This memorial, dated Philadelphia, September 17, is in the *Papers of the Continental Congress*, No. 42, I, folio 438.

FOUR O'CLOCK, P. M.

Congress resumed the debate on the amendments proposed and the question being put on the first amendment, viz., after "questions" leave out "each State shall have one vote" and insert:

"Rhode Island, Delaware and Georgia shall have one vote, and every other State shall have one vote for every fifty thousand white inhabitants therein, taken and transmitted according to the directions of the 9th article; and when the white inhabitants of Rhode Island, Delaware or Georgia shall exceed fifty thousand, the number of votes to be given by such State shall be increased in the proportion of one vote for every fifty thousand such inhabitants, that an equality in this national assembly may be preserved as nearly as possible, and that those who are bound by measures and are to pay taxes demanded by an assembly, the members of which are elected not by all the people, but by those of a particular district, may have the same proportionable number of votes as they would have if they were personally present. If, in process of time, the people shall so multiply as that the Congress, consisting of one delegate for every fifty thousand white inhabitants, would be too numerous, the proportions shall be again adjusted, wherein the same rule of equality in the representation shall be observed;" and the yeas and nays being required:

New Hampshire,			*Connecticut,*		
Mr. Folsom,	no	no	Mr. Dyer,	no	
Massachusetts Bay,			Law,	no	no
Mr. S. Adams,	no		Williams,	no	
J. Adams,	no	no	*New York,*		
Gerry,	no		Mr. Duane,	no	no
Rhode Island,			Duer,	no	
Mr. Marchant,	no	no			

New Jersey,		*North Carolina*,	
Mr. Witherspoon,	no } no	Mr. Penn,	ay } div.
Pennsylvania,		Harnett,	no }
Mr. Roberdeau,	ay } ay	*South Carolina*,	
Maryland,		Mr. Middleton,	no
Mr. Chase,	no	Heyward,	no } no
Carroll,	no } no	Laurens,	no
Smith,	no	*Georgia*,	
Virginia,		Mr. Walton,	no } no
Mr. Harrison,	ay	Brownson,	no
F. L. Lee,	ay		
Jones,	ay } ay		
R. H. Lee,	ay		

So it passed in the negative.

It was then moved, instead of the 13 article as expressed to insert, "each State shall have a right to send one delegate to Congress for every thirty thousand of its inhabitants, and in determining questions in Congress each delegate shall have one voice;"

And the question being put, and the yeas and nays required:

New Hampshire,		*Maryland*,	
Mr. Folsom,	no } no	Mr. Chase,	no
Massachusetts Bay,		Carroll,	no } no
Mr. S. Adams,	no	Smith,	no
J. Adams,	ay } no	*Virginia*,	
Gerry,	no	Mr. Harrison,	ay
Rhode Island,		Jones,	ay } ay
Mr. Marchant,	no } no	F. L. Lee,	ay
Connecticut,		R. H. Lee,	ay
Mr. Dyer,	no	*North Carolina*,	
Law,	no } no	Mr. Penn,	ay } div.
Williams,	no	Harnett,	no }
New York,		*South Carolina*,	
Mr. Duane,	no } no	Mr. Middleton,	ay
Duer,	no }	Heyward,	no } no
New Jersey,		Laurens,	no
Mr. Witherspoon,	no } no	*Georgia*,	
Pennsylvania,		Mr. Walton,	no } no
Mr. Roberdeau,	no } no	Brownson,	no }

So it passed in the negative.

It was then moved, "That the quantum of representation for each State shall be computed by numbers proportioned according to its contribution of money or tax levied, agreeable to the 9th article of this confederation, and paid into the public treasury towards the annual expences necessary for the support of the union;"

And the question being put, and the yeas and nays required:

New Hampshire,		
Mr. Folsom,	no	no
Massachusetts Bay		
Mr. S. Adams,	[no]	no
J. Adams	ay	
Gerry,	no	
Rhode Island,		
Mr. Marchant,	no	no
Connecticut,		
Mr. Dyer,	no	no
Law,	no	
Williams,	no	
New York,		
Mr. Duane,	no	no
Duer,	no	
New Jersey,		
Mr. Witherspoon,	no	no
Pennsylvania,		
Mr. Morris,	no	no
Roberdeau	no	
Maryland,		
Mr. Chase,	no	no
Carroll,	no	
Smith,	no	
Virginia,		
Mr. Harrison,	ay	ay
Jones,	ay	
F. L. Lee,	ay	
R. H. Lee,	ay	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
South Carolina,		
Mr. Middleton,	ay	no
Heyward,	no	
Laurens,	no	
Georgia,		
Mr. Walton,	no	no
Brownson,	no	

So it passed in the negative.

The question being put on the article as reported, and the yeas and nays required:

New Hampshire,			*Maryland*,		
Mr. Folsom,	ay	ay	Mr. Chase,	ay	
Massachusetts Bay,			Carroll,	ay	ay
Mr. S. Adams,	ay		Smith,	ay	
J. Adams,	no	ay	*Virginia*,		
Gerry,	ay		Mr. Harrison,	no	
Rhode Island,			Jones,	no	
Mr. Marchant,	ay	ay	F. L. Lee,	no	no
Connecticut,			R. H. Lee,	no	
Mr. Dyer,	ay		*North Carolina*,		
Law,	ay	ay	Mr. Penn,	no	
Williams,	ay		Harnett,	ay	div.
New York,			*South Carolina*,		
Mr. Duane,	ay		Mr. Middleton,	no	
Duer,	ay	ay	Heyward,	ay	ay
New Jersey,			Laurens,	ay	
Mr. Witherspoon,	ay	ay	*Georgia*,		
Pennsylvania,			Mr. Walton,	ay	
Mr. Morris,	ay		Brownson,	ay	ay
Roberdeau,	ay	ay			

So it was resolved, That in determining questions each State shall have one vote.[1]

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 8, 1777

A letter, of the 5, from General Washington, was read; also a petition from David Redick:[2]

Ordered, That the petition be referred to the Board of War.

[1] This day's proceedings on the confederation, in the writing of Charles Thomson, are in the *Papers of the Continental Congress*, No. 47, folio 77.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 81. It is printed in *Writings of Washington* (Ford), VI, 93. That of Redick is in No. 42, VI, folio 421.

Whereas, the fourth Georgia batallion of continental troops, commanded by Colonel John White, is about to march from the State of Pensylvania to its station in the State of Georgia; and, whereas, it may be necessary for the good order of the said batallion that general courts martial may be held to try and punish offenders for breach of the articles of war on the march of the said batallion; and whereas, there is no general officer in the service of the United States stationed on or near the route of its march, without whose authority, according to the articles of war, no general court martial can be held for the trial and punishment of such offenders:

Resolved, therefore, That the said Colonel John White be empowed, at any time in the course of his said march, to order a general court martial to consist of his own officers, if none others of the continental army can be conveniently summoned, and to try any non-commissioned officer and soldier belonging to the said batallion, who shall be charged with breaking any of the articles of war; and to confirm the sentence of any such court martial, to discharge the said court martial, or to confirm any such sentence, and afterwards to remit the punishment that shall be so sentenced, as he shall think proper; provided that the powers hereby given shall cease and determine so soon as the said batallion shall arrive at its station in Georgia.

The house being moved to pass a resolution, to prevent an intercourse between the towns in the possession of the enemy and the inhabitants of the country;

Ordered, That it be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. J[ohn] Adams and Mr. [Samuel] Chase.

Adjourned to 4 o'Clock.

||Four o'Clock, p. m.||

The committee to whom was referred the resolution ||motion|| for preventing an intercourse between the towns in the possession of the enemy and the inhabitants of the country, brought in a report; Whereupon Congress came to the following resolutions:

Whereas, it is of essential consequence to the general welfare that the most effectual measures should be forthwith pursued for cutting off all communication of supplies, or intelligence to the enemy's army now in, and near the city of Philadelphia; and whereas, it has been found, by the experience of all states, that, in times of invasion, the process of the municipal law is too feeble and dilatory to bring to a condign and exemplary punishment persons guilty of such traitorous practices:

Resolved, That any person, being an inhabitant of any of these states, who shall act as a guide or pilot by land or water for the enemy, or shall give or send intelligence to them, or in any manner furnish them with supplies of provisions, money, cloathing, arms, forage, fuel, or any kind of stores, be considered and treated as an enemy and traitor to these United States; and that General Washington be empowered to order such person taken within thirty miles of any city, town or place in the states of Pensylvania, Jersey and Delaware, which is, or may be in the possession of any of the enemy's forces, to be tried by a court martial, and such courts martial are hereby authorized to sentence any such persons convicted before them of any of the offences aforesaid, to suffer death or such other punishment as to them shall seem meet.

This resolve to remain in force until the first day of January next, unless sooner revoked by Congress.

And, whereas, it has been represented to Congress, that many evil disposed persons, enemies to these United

States, make a practice of passing to and from the enemy's quarters, propagating false intelligence, thereby to dispirit the people and aid the cause of our enemies,

Resolved, That it be recommended to all magistrates and officers, civil and military, and to all the good people of these states, to be vigilant in apprehending, securing and bringing to condign punishment all such offenders, in order that a speedy and effectual stop may be put to such a pernicious practice.

Resolved, unanimously, That the thanks of Congress be given to General Washington, for his wise and well concerted attack upon the enemy's army near Germantown, on the 4th instant, and to the officers and soldiers of the army, for their brave exertions on that occasion; Congress being well satisfied that the best designs and boldest efforts may sometimes fail by unforeseen incidents, trusting that, on future occasions, the valour and virtue of the army will, by the blessing of Heaven, be crowned with complete and deserved success.

Resolved, That Mr. [Henry] Laurens and [Thomas] Heyward be added to the committee appointed to carry into execution the resolution of Congress, ordering a medal to be struck and presented to General Washington.

Resolved, That to morrow morning Congress take into consideration that part of the confederation that relates to taxation.

A letter, of the 27 September, from General Schuyler, at Albany, was read.[1]

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Resolved, That a warrant be drawn on the treasurer, in favour of William Hornby, for twenty thousand dollars,

[1] This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 252.

in discharge of a bill drawn on the president of Congress by the president of Georgia, for the use of the continental troops in that State; and that the said sum be considered as part of the three hundred thousand dollars ordered to be sent to supply the military chest in that State, the said State to be accountable:

Resolved, That another warrant be drawn on the treasurer in favour of the said William Hornby, for five hundred dollars, to defray his expences in coming and returning from Georgia to York town, in Pensylvania, agreeable to the request of the president of Georgia, and that the said sum be considered as part of the four hundred thousand dollars, ordered to be sent to that State to reimburse it for its expenditures for the Continent, the said State to be accountable.

Resolved, That there be advanced to the Marine Committee eight hundred Dollars, for which they are to be accountable.

Resolved, That five thousand dollars be advanced to Colonel Peter Tarling, deputy quarter master general to the troops in Georgia, he to be accountable; and that the same be considered as part of the three hundred thousand dollars ordered to be transmitted for the use of the continental troops in that State.[1]

The several matters &c ||to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 9, 1777

Ordered, That so much of General Schuyler's letter ||of the 27th of February,|| as relates to Indian affairs, be referred to the standing Committee for Indian Affairs, and

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 431. The last two paragraphs are in the writing of James Duane.

that so much of the said letter as relates to his request of being furnished with a copy of the accusations against him, be referred to the committee appointed to conduct the enquiry into the conduct of the general officers in the northern department, at the time of surrendering Ticonderoga ||and Mount Independence.||

A petition from Captain Silas Talbut, was read:[1]

Ordered, That it be referred to the Board of War.

A memorial from George M'Intosh was read.[2] Upon considering the said memorial, a motion was made, that it be resolved, "That this Congress have no power to try and determine the case of George M'Intosh, he being a citizen of Georgia." And the question being moved and put, whether this question be now put, and the yeas and nays required:

New Hampshire,			*Maryland*,		
Mr. Folsom,	no	no	Mr. Chase,	ay	ay
Massachusetts Bay,			Carroll,	ay	
Mr. S. Adams,	no		*Virginia*,		
J. Adams,	no	no	Mr. Harrison,	ay	
Gerry,	no		Jones,	ay	ay
Lovell,	ay		F. L. Lee,	ay	
Rhode Island,			R. H. Lee,	ay	
Mr. Marchant,	no	no	*North Carolina*,		
Connecticut,			Mr. Penn,	ay	div.
Mr. Dyer,	no		Harnett,	no	
Law,	no	no	*South Carolina*,		
Williams,	no		Mr. Middleton,	ay	
New York,			Heyward,	no	no
Mr. Duane,	ay	div.	Laurens,	no	
Duer,	no		*Georgia*,		
New Jersey,			Mr. Walton,	no	no
Mr. Witherspoon,	no	no	Brownson,	no	
Pensylvania,					
Mr. Roberdeau,	no	no			

[1] This petition is in the *Papers of the Continental Congress*, No. 42, VII, folio 334.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 33.

So it passed in the negative.

Upon considering the papers received from the president of the State of Georgia, respecting George M'Intosh, taken into custody in consequence of information transmitted, and a request made by Congress to the government of the said State; and the memorial of the said George M'Intosh, praying Congress to take his case into consideration:

Resolved, That a committee of three be appointed to examine into the said papers and memorial, and report their opinion, whether there is sufficient cause before Congress for the detention of the said George M'Intosh, in order that, if such cause appears, he may be sent a prisoner to the State of Georgia, of which he is a citizen, for his trial, or otherwise may be discharged:

The members chosen, Mr. J[ohn] Adams, Mr. [James] Duane, and Mr. [William] Williams.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

Congress took into consideration the 9th article of the confederation as reported by the committee of the whole, viz:

"All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the number of inhabitants of every age, sex, and quality, except Indians not paying taxes in each State; a true account of which, distinguishing the white inhabtants, shall be triennially taken and transmitted to the assembly of the United States. The taxes for paying that proportion shall be laid and levied by the authority and direction of

the legislatures of the several states, within the time agreed upon by the United States assembled."

After debate, the farther consideration thereof was postponed till to morrow.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

FRIDAY, OCTOBER 10, 1777

A letter, of the 27 of September, from Major General Sullivan, enclosing a bundle of papers, was read.[1]

A memorial, from George Ewing, commissary of hides, was read:[2]

Ordered, That it be referred to the Board of Treasury.

Ordered, That 12,000 dollars be advanced to the Marine Committee, for the public service in Baltimore, in the State of Maryland, the said committee to be accountable.

Ordered, That 2,000 dollars be paid to the said Marine Committee, for the purpose of paying bills drawn upon them, the said committee to be accountable.

The committee to whom were referred the papers received from the president of the State of Georgia, respecting George M'Intosh, taken into custody in consequence of information transmitted, and a request made by Congress to the government of the State of Georgia, and the memorial of the said George M'Intosh, praying Congress to take his case into consideration, report, that they have examined into the said papers and memorial, and are of opinion, that there is not sufficient cause before Congress for the detention of the said George M'Intosh; Whereupon,

[1] This letter is in the *Papers of the Continental Congress*, No. 160, folio 57.

[2] The memorial of Ewing is in the *Papers of the Continental Congress*, No. 41, III, folio 15.

Resolved, That he, the said George M'Intosh, be discharged.

The Committee of the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That there be advanced to Major James Armstrong Wilson, appointed to command two companies to be raised in the State of Pensylvania for the purpose of guarding the continental stores at Carlisle, one thousand dollars, for the use of the said companies, and for which he is to be accountable.

Resolved, That John Montgomery, Esq[r] of Carlisle, be, and he is hereby appointed and authorized, to muster the two companies under the command of Major James Armstrong Wilson, for the discharge of which duty a reasonable allowence shall be made to him.[1]

Resolved, That the president issue his warrant to the auditor general, in favour of the Board of War, for three hundred thousand dollars, to be transmitted by them to the deputy pay master general of the northern department, for the use of his department, and for which he is to be accountable:

Resolved, That the president issue his warrant to the commissioner of the loan office for the State of New York, in favour of the commissary general of purchases, to be transmitted to Peter Colt, Esq[r] deputy commissary general of purchases for the eastern department, for two hundred thousand dollars, for the use of the said department, and for which the said commissary general is to be accountable.

Ordered, That there be paid to Benjamin Walker, or order, five hundred dollars in discharge of a bill, dated the 17 day of July last, drawn by Governor Treutlan, of the

[1] A letter, dated September 20, and signed by Montgomery and others, on the exposed condition of the public stores at Carlisle, Pa., is in the *Papers of the Continental Congress*, No. 41, VI, folio 29. This report is in No. 136, I, folio 435. It is in the writing of James Duane.

State of Georgia, on the continental treasurer, expressed to be for the expences incurred in recruiting and mustering a company of light-horse for the said State; for which sum the said State is to be accountable; and the same is to be considered as part of the three hundred thousand dollars, ordered to be transmitted for supplying the military chest in the said State.

Ordered, That there be paid to Daniel Mallet, or his order, one thousand dollars in discharge of a bill, dated the 8 of February last, drawn in his favour by John Ashe, Esq[r] public treasurer of the State of North Carolina, on the continental treasurer, expressed to be for provisions furnished the continental troops raised in the said State; for which sum, the said State is to be accountable, and it is to be considered as part of the sum of 500,000 dollars heretofore appropriated for the use of that State.

~~Ordered, That there be paid to William Dry Esq[r] or his order 500 dollars in discharge of a bill dated the 5 March last, drawn in his favour by John Ashe Esqr, public treasurer of the State of North Carolina on the continental treasurer, expressed to be for the support and payment of the continental troops raised in the said State for which sum the said State is to be accountable, and the same is to be considered as part of the 500,000 dollars ordered to be appropriated for the use of that State.~~[1]

Ordered, That there be paid to Robert Ralston, or order, 250 dollars, in discharge of a bill, dated the 10 May last, drawn by John Ashe, Esq[r] public treasurer of the State of North Carolina, on the continental treasurer, expressed to be for the use of the said State, for which the State is to be accountable, and the same is to be considered as part of the 500,000 dollars heretofore appropriated for the use of the State.

[1] In the margin is written, "See 12 September last."

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That eight hundred dollars be presented to Monsieur Preudhomme de Borré, to defray his expences to Charleston, South Carolina, and from thence to France.[1]

On motion, *Resolved*, That one hundred blank commissions for privateers, be signed and delivered by the president to the Committee of Commerce, to be by them transmitted to such of their agents and correspondents abroad as they may think proper to entrust therewith.

Adjourned to 4 o'Clock.

FOUR O'CLOCK. P. M.

Met.

A letter, of the 8, from General Mifflin, was read, wherein he represents, that his health is so much impaired, and the probability of a recovery so distant, that he thinks it his duty to return to Congress their commission to him of major general and quarter master general.[2]

Congress being informed of great irregularities committed by the fourth Georgia batallion, commanded by Colonel White, contrary to all order and discipline, and to the great annoyance and injury of the good people of the country through which the said regiment hath passed:

Resolved, That Colonel White be ordered immediately to join his regiment, and continue with it until the regiment shall arrive in Georgia: that he take the most effectual care to prevent future irregularities of any kind being committed by the said regiment on its march: and that his excellency the governor of Maryland, be requested to appoint proper persons to value the damages done by the said regiment since it entered the State of

[1] This was reported by the Board of War, October 8. It is in the *Papers of the Continental Congress*, No. 147, I, folio 361. The members of the Board present were John Adams, Francis Lightfoot Lee, Samuel Adams, Charles Carroll, and William Duer.

[2] This letter is in the *Papers of the Continental Congress*, No. 161, folio 16.

Maryland, and that the same be sent to the regimental pay master, who is directed to deduct the amount from the pay of the said regiment, and pay the same to the order of Governor Johnson, for the benefit of the sufferers.

Ordered, That the Board of War prepare a resolution for preventing plundering of the inhabitants by troops in the pay of the Continent.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That Captain Silas Talbot, of the State of Rhode Island, be promoted to the rank, and have the pay of major in the army of the United States, in consideration of his merit and services in a spirited attempt to set fire to one of the enemy's ships of war in the North River last year; and that he be recommended to General Washington for employment, agreeable to his rank.

Resolved, That Captain Silas Talbot make an estimate of the expence and loss incurred by him in the attempt to destroy the said ship of war, to be laid before the Treasury Board for their consideration.[1]

Congress resumed the consideration of the ninth article of the confederation as reported by the committee of the whole; and after debate,

Resolved, That the farther consideration be postponed till to morrow.

The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 11, 1777

A letter, of the 6th, from General Putnam, at Peeks Kill, and one, of the 4th, from Peter Colt, were read.[2]

[1] See page 794.

[2] The letter of Putnam is in the *Papers of the Continental Congress*, No 159, folio 103.

Resolved, That a committee of three be appointed to enquire of the commissary general of purchases, the measures adopted by him for obtaining the necessary supplies of provisions for the ensuing year, and report thereon to Congress:

The members chosen, Mr. [Elbridge] Gerry, Mr. [Daniel] Roberdeau, and Mr. [Richard] Law.

The Board of War brought in a report, which was taken into consideration; Whereupon,

That Captain Silas Talbot of the State of Rhode Island be promoted to the Rank and have the Pay of Major in the Army of the United States, in Consideration of his Merit and Services in a spirited Attempt to set Fire to a Man of War, supposed to be the *Asia* in the North River last Year, and that he be recommended to General Washington for Employment agreeable to his Rank.[1]

That Captain Silas Talbot make an Estimate of the Expence and Loss incurred by him in that Attempt to destroy the said Ship of War, to be laid before the Treasury Board for their consideration.[1]

Resolved, That the commissary general of issues, his deputies and assistants, and all persons employed under him or them, deliver over, on demand, to the commissary of hides, all hides, tallow, feet, and offal of all cattle killed for the use of the army, taking a receipt for the same, any order or direction of any person or persons, to the contrary notwithstanding:

Resolved, That the said commissary of hides be supplied with money for carrying on the business of his department, from time to time, [upon his application to Congress, and that][2] he shall settle his accounts once a year, or oftener, if required, with the Treasury Board:

That he or his deputies, at any principal department or post, be authorized to hire or impress one or more waggons or carriages for the use of his department, as

[1] Adopted on the 10th.

[2] The words in brackets were inserted by John Hancock, in place of "by the Treasury Board, with whom."

occasion may require, which shall not be subject to be impressed for any other service by any officer of the army, unless by special direction of the commander in chief for the time being; and, if any officer shall (except as before excepted) on any pretence whatsoever, impress, without his consent, any waggon, cart, or carriage, in the service of the said commissary of hides, he shall immediately, on application to the commanding officer nearest the place where the transaction happens, be put under arrest, be liable to pay all loss the states sustained by such impressment, and suffer such other punishment as shall be deemed proper by a court martial.

That the commander in chief, and the commanding officer of any department post or detachment, be directed to supply the commissary general of hides and his respective deputies with guards for their waggons, when the said commissary shall apply for the same, and they shall appear to be necessary:[1]

That the said commissary of hides shall make a return, once in every three months, to the Board of War, of his whole transactions, specifying the number of workmen employed, the quantities of hides on hand, the quantities exchanged for leather and shoes, what quantity made up into shoes, and what otherwise disposed of; and to enable him to do this, his deputies and assistants, (whose names, occupations and pay or wages he is also to return,) shall make monthly returns to the said commissary of hides:

That the said commissary of hides shall receive and take care of the tallow, and all other useful offal of the cattle

[1] This paragraph was an amendment by Elbridge Gerry, taking the place of the following: "That he or his Deputies and Assistants shall have Power and Authority to call on any Officer commanding a Regiment or Company for a Guard when Occasion shall require, and if any such Officer without sufficient Reason refuse a Guard on such Application being made, he shall be arrested and tried by a Court Martial in Manner aforesaid, pay all Loss the Continent sustains by such Refusal and be liable to such further Punishment as the said Court Martial shall direct."

belonging to the United States, and see that the said tallow is properly rendered and made fit to be manufactured into candles and soap for the use of the army, and shall deliver the said tallow, so rendered, to the commissary general of purchases, or his order, taking receipts for the same, reserving so much of the said tallow, as may be necessary for the manufactory of the leather and the use of his own department:

That the commissary of hides have the appointment of all deputies and assistants to be employed under him, for whose conduct he shall be responsible, and have authority to displace them at pleasure.[1]

The Board of Treasury brought in a report, which was taken into consideration: Whereupon,

Ordered, That there be advanced to George Ewing, Esq[r] commissary of hides, eight thousand dollars, for the use of his department, and for which he is to be accountable.

Whereas, it is represented that Mons. du Coudray had in his pocket-book, the day he was unfortunately drowned, the order of Congress of the 15 September, for paying to him 1,500 dollars for the use of the gentlemen who accompanied him from France, named in the said order, and that the said order has never been paid, but is lost,

Ordered, That the money mentioned in the said order be paid to Mons. le Brun, for the use of the gentlemen therein named; and for which he is to be accountable:

Ordered, That there be paid to Thomas Heyward, Esq[r] one of the Committee on Foreign Affairs, 29 84/90 dollars advanced by him to an express for bringing despatches to Congress.

Ordered, That there be paid to Silas Talbot the sum of 433 2/3 dollars, in full for his account of expences and

[1] This report, dated October 10, and in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 363.

losses, in consequence of his taking the command of a fire-ship in the North River, and attempting to burn one of the British ships of war in the said river.

~~Congress having been informed that the enemy have frequently obliged the American soldiers in their possession as prisoners of war to labour in erecting works or fortifications, and that they are now against their consent employed in such business,~~

~~Resolved, That General Washington be directed to send in a flag to General Howe to inquire of him the truth of this report, in order that Congress may if the information be true, give such orders as they think proper, respecting british prisoners.~~[1]

A letter and memorial from Archibald, Allan, and Reynold M'Donald, (prisoners,) were read:

Ordered, That they be referred to the Board of Treasury.

A memorial from Colonel la Balme, inspector of cavalry, was presented to Congress, and read, wherein he entreats Congress to accept his resignation, and to order him the payment of what is due to him: Whereupon,

Resolved, That the resignation of Colonel la Balme be accepted, and that the arrears due to him be paid.[2]

Ordered, That the committee appointed to prepare a quota for the several states for raising an immediate tax, sit on that business, and report thereon on Tuesday next.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Congress resumed the consideration of the 9 article of the confederation and the amendments proposed; and after debate,

[1] In the margin is written "false intelligence."

[2] This memorial, dated October 3, is in the *Papers of the Continental Congress*, No. 41, I, folio 142; a translation is on folio 144.

Resolved, That the farther consideration be postponed to Monday next.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday next.

MONDAY, OCTOBER 13, 1777

A letter, of the 7, from General Washington, near Pennibacker's mill, with sundry papers enclosed; another, of the 10th, from General Washington, 26 miles from Philadelphia, were read.[1]

Ordered, That 300,000 dollars be paid to the Board of War, to be by them sent, as speedily as possible, to the pay master general, for the use of the army under the command of General Washington.

Another letter, of the 8, from General Washington; one, of the 4th, from Governor Livingston; one, of the 5th, from General Gates, at Behmus' Heights, enclosing a number of letters and papers.

A letter, of the 6th, and one, of the 12, from General Sullivan; a letter, of the 1st, from John Smith, lieutenant of Frederick county, Virginia, with sundry papers enclosed; also, a remonstrance from Israel Pemberton, and others, and a memorial from the Chevalier du Portail, were read:[2]

Ordered, That the letters from General Washington be referred to the Board of War.

[1] These letters of Washington are in the *Papers of the Continental Congress*, No. 152, V, folios 89 and 101. That of the 7th is printed in *Writings of Washington* (Ford), VI, 98.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 97; that of Livingston, in No. 68, folio 289; that of Gates, in No. 154, I, folio 266; that of Smith, in No. 78, XX, folio 155; and that of Pemberton, in No. 43, folio 227.

The letter from Governor Livingston be referred to the Board of War.

That the letters from General Gates, and the letter from Mr. J. Smith, with the papers enclosed, and the memorial from Israel Pemberton, and others, be referred to the Board of War.

A letter, of the 2, from Colonel Nicola, was read:[1]

Ordered, That it be referred to the Board of War.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the commissioned and non-commissioned officers, who have accompanied Mons. du Coudray from France, have the ranks proposed for them in France, together with the pay and emoluments of officers of equal ranks in the service of the United States.

That in case the said officers shall decline accepting the above proposals, it be referred to the Board of Treasury to take into consideration what gratifications should be given to the said officers, respectively, in compensation for their loss of time and expence, and to defray the charges of their voyage to France.

That it be referred to the Board of Treasury to settle the accounts of the late Mons. du Coudray.[2]

On motion, *Ordered*, That the Board of War apply to the executive powers of Pensylvania, and request their co-operation, to supply the army with shoes, stockings and other necessaries; that the said Board maintain a constant correspondence with the executive powers of the said State, and with General Washington, for the purposes above mentioned, and for the service of the army in general.

Adjourned to 4 o'Clock.

[1] This letter is in the *Papers of the Continental Congress*, No. 163, folio 17.

[2] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 367. The members of the Board present were: John Adams, Samuel Adams, Francis Lightfoot Lee, Charles Carroll and William Duer.

FOUR O'CLOCK, P. M.

Resolved, That it would be inconsistent with the public safety to permit Dr. John Connolly, at present a prisoner on parole, to remain any longer at large, and, therefore, that the Board of War be directed to order him into safe custody immediately, taking care to seize such of his papers as may be of a political nature.

Whereas, a number of the members appointed to hear and determine appeals are absent;

Resolved, That a new committee, to consist of five members, be appointed, and that they or any three of them be empowered to hear and finally determine upon appeals brought to Congress:

The members chosen, Mr. J[ohn] Adams, Mr. [Joseph] Jones, Mr. [Richard] Law, Mr. [Henry] Marchant and Mr. [Henry] Laurens,

Congress resumed the consideration of the ninth article of confederation.

And it was moved,

"That the proportion of the public expence, incurred by the United States for their common defence and general welfare, to be paid by each State into the treasury, be ascertained by the value of all property except household goods and wearing apparel within each State, to be ascertained agreeable to the directions of Congress:" And the question being put, passed in the negative.[1]

Another amendment was moved; and, after debate, the determination thereof, at the request of a State, was postponed till to morrow.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

[1] A copy of this paragraph, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 47, folio 80.

TUESDAY, OCTOBER 14, 1777

A letter, of the 13, from Colonel George Morgan, with sundry papers and accounts, was read:

Ordered, That the same be referred to the Board of Treasury.

Congress resumed the consideration of the 9 article of confederation, and the amendment moved yesterday, viz. "That the proportion of the public expence incurred by the United States for their common defence and general welfare, to be paid by each State into the treasury, be ascertained by the value of all land within each State granted to, or surveyed for any person, as such land, and the buildings and improvements thereon shall be estimated, according to such mode as Congress shall, from time to time, direct and appoint;"

The yeas and nays being required, and the Question put

New Hampshire,			*Pensylvania*,		
Mr. Folsom,	no	no	Mr. Morris,	ay	div.
Massachusetts Bay,			Roberdeau,	no	
Mr. S. Adams,	no	no	*Maryland*,		
J. Adams,	no		Mr. Chase,	ay	ay
Gerry,	no		Smith,	ay	
Lovell,	no		Carroll,	ay	
Rhode Island,			*Virginia*,		
Mr. Marchant,	no	no	Mr. Jones,	ay	ay
Connecticut,			F. L. Lee,	ay	
Mr. Dyer,	no	no	R. H. Lee,	ay	
Law,	no		*North Carolina*,		
Williams,	no		Mr. Penn,	ay	ay
New York,			Burke,	ay	
Mr. Duane,	no	div.	Harnett,	ay	
Duer,	ay		*South Carolina*,		
New Jersey,			Mr. Middleton,	ay	ay
Mr. Witherspoon,	ay	ay	Heyward,	ay	
Elmer,	ay		Laurens,	ay	

So it was resolved in the affirmative.[1]

A memorial from William Buchanan, commissary general of purchases, was laid before Congress and read:[2]

Ordered, It be referred to the committee appointed to confer with Mr. Buchanan.

Resolved, That Mr. [Nathaniel] Folsom, Mr. [John] Penn, and Mr. [Henry] Laurens be added to the Marine Committee, in the room of the members from their respective states, heretofore appointed on the said committee.

Whereas, the British nation have received into their ports, and condemned in their courts of admiralty, as lawful prize, several vessels and their cargoes belonging to these states, which the masters and mariners, in breach of the trust and confidence reposed in them, have betrayed and delivered to the officers of the British crown: ~~and whereas such contract is contrary to that good faith and honour which all men ought to preserve inviolate, and repugnant to the practice of the commercial and civilized nations of Europe:~~

Resolved, therefore, That any vessel or cargo, the property of any British subject, not an inhabitant of Bermuda or any of the Bahama islands, brought into any of the ports or harbours of any of these United States by the master or mariners, shall be adjudged lawful prize, and divided among the captors in the same proportion as if taken by any continental vessel of war.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

[1] A copy of these proceedings on the confederation, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 47, folio 80. It reads: "Congress resumed the consideration of the 9th article of the confederation, as reported by the committee of the whole, whereon it was moved" &c.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 146.

Ordered, That the president issue a warrant to the commissioner of the loan office for the State of Pensylvania, for ten thousand dollars, in favour of William Henry, Esq[r] appointed to purchase shoes and leather, and superintend the reparation of continental arms, for the use of his department, and for which he is to be accountable.

Ordered, That there be paid to Robert Turner, or his order, 462⅓ dollars, in discharge of a bill drawn on the continental treasurer by John Ashe, Esq[r] public treasurer of the State of North Carolina, in his favour, dated the 9th day of May, and expressed to be for the service of the United States; for which sum the said State is to be accountable, and the same is to be considered as part of the five hundred thousand dollars appropriated for that State.[1]

Congress took into consideration the fourteenth article of the confederation ||relative to the manner of constituting the Congress of the United States:||

On the question put,

Resolved, That no person shall be capable of being a delegate for more than three years in any term of six years.

It was moved, That no State shall be represented in Congress by less than two nor by more than seven members: and the yeas and nays being required, and the question put:

New Hampshire,			*Rhode Island*,		
Mr. Folsom,	no	no	Mr. Marchant,	no	no
Massachusetts Bay,			*Connecticut*,		
Mr. S. Adams,	ay	ay	Mr. Dyer,	ay	ay
J. Adams,	no		Law,	ay	
Gerry,	ay		Williams,	ay	
Lovell,	ay				

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 136, I, folio 437.

New York,			*Virginia*,		
Mr. Duane,	ay	ay	Mr. Jones,	ay	ay
Duer,	ay		F. L. Lee,	ay	
New Jersey,			R. H. Lee,	ay	
Mr. Witherspoon,	no	no	*North Carolina*,		
Elmer,	no		Mr. Penn,	ay	ay
Pensylvania,			Burke,	ay	
Mr. Morris,	ay	ay	Harnett,	ay	
Roberdeau,	ay		*South Carolina*,		
Maryland,			Mr. Middleton,	ay	ay
Mr. Chase,	ay	ay	Heyward,	ay	
Smith,	ay		Laurens,	ay	
Carroll,	ay				

So it was resolved in the affirmative.[1]

A memorial from the Chevalier Dorset, was read:[2]

Ordered, That it be referred to the Committee on Foreign Applications.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 15, 1777

Mr. [John] Harvie, a delegate from Virginia, attended and took his seat in Congress.

Ordered, That the Committee of Commerce take effectual measures to make as public as possible the resolution passed yesterday, for making lawful prize British vessels ||or cargoes|| brought into any of the ports of the United States by the master or mariners.

[1] A copy of the proceedings on the confederation, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 47, folio 81. It again has the phrase "as reported by the Committee of the Whole."

[2] A memorial from the Chevalier Dorset, dated Bethlehem, September 27, is in the *Papers of the Continental Congress*, No. 41, II, folio 418. It has a certificate by Lafayette of the Chevalier's merits.

A letter, of the 8th, from General Putnam, at Fishkill, was read:

Ordered, That it be referred to the Committee of Intelligence.

A motion was made for recruiting the army;

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Elbridge] Gerry, Mr. [William] Duer and Mr. R[ichard] H[enry] Lee.

Ordered, That the said committee sit on this business this evening, and report to morrow morning.

The committee to whom was referred the letter of William Buchanan, Esq[r] commissary general of purchases, dated the 14th, brought in a report, which was taken into consideration: Whereupon,

Resolved, That a deputy commissary general of purchases and a deputy commissary general of issues be appointed for supplying the forts and posts on the western frontiers of Pensylvania and Virginia, and that the limits of the district be assigned by the respective commissaries general:

That assistant purchasing commissaries be not allowed in the district aforesaid:

That the said deputy commissary general of issues be directed to receive from Colonel George Morgan, all the provisions in his possession belonging to the United States, who is directed to take receipts therefor, and to deliver his accounts and vouchers to the Board of Treasury, in order for settlement, and for charging the said provisions to the respective commissary.

Ordered, That to morrow be assigned for appointing the deputy commissaries general aforesaid.

Congress resumed the consideration of the 14th article of the confederation ||relative to the powers of Congress||; and, after debate,

The farther consideration thereof was postponed to the afternoon.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

Ordered, That Mr. [Robert] Morris have leave of absence for the remainder of this week.

The Committee of Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That there be advanced to William Buchanan, Esq[r] commissary general of purchases, one hundred thousand dollars, on account of his department, for which he is to be accountable.[1]

Resolved, That a committee of three be appointed to consider of and report a competent allowance to support the extraordinary expence of the president of Congress in the execution of his office:

The members chosen, Mr. [James] Duane, Mr. [Henry] Laurens, and Mr. [Robert] Morris.

Congress resumed the consideration of the 14 article of the confederation ||under debate this morning;|| whereon it was moved,

"That, in order to render the present union and confederacy firm and perpetual, it is essential that the limits of each respective territorial jurisdiction should be ascertained by the articles of confederation; and, therefore, it is recommended to the legislatures of every State to lay before Congress a description of the territorial lands of each of their respective states, and a summary of the grants, treaties, and proofs upon which they are claimed or established:" and the yeas and nays being required:

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 136, I, folio 439.

New Hampshire,			*Pensylvania,*		
Mr. Folsom,	no	no	Mr. Morris,	ay	ay
Massachusetts Bay,			*Maryland,*		
Mr. S. Adams,	no	no	Mr. Chase,	ay	ay
J. Adams,	no		Carroll,	ay	
Gerry,	no		Smith,	no	
Lovell,	no		*Virginia,*		
Rhode Island,			Mr. Jones,	no	no
Mr. Marchant,	no	no	F. L. Lee,	no	
Connecticut,			R. H. Lee,	no	
Mr. Dyer,	no	no	Harvie,	no	
Law,	no		*North Carolina,*		
Williams,	ay		Mr. Penn,	no	no
New York,			Harnett,	no	
Mr. Duane,	ay	ay	*South Carolina,*		
Duer,	ay		Mr. Middleton,	no	no
New Jersey,			Heyward,	no	
Mr. Witherspoon,	no	no	Laurens,	no	
Elmer,	no				

So it passed in the negative.

It was then moved "That the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claim to the South Sea, and to dispose of all land beyond the boundary so ascertained, for the benefit of the United States;" and the question being put, passed in the negative.

It was then moved, "That the United States, in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claim to the Mississippi or South Sea, and lay out the land beyond the boundary, so ascertained, into separate and independent states, from time to time, as the numbers and circumstances of the people thereof may require:"

And the yeas and nays being required:

New Hampshire,			*Pensylvania*,		
Mr. Folsom,	no	no	Mr. Morris,	no	no
Massachusetts Bay,			*Maryland*,		
Mr. S. Adams,	no		Mr. Chase,	ay	
J. Adams,	no	no	Carroll,	ay	ay
Gerry,	no		Smith,	ay	
Lovell,	no		*Virginia*,		
Rhode Island,			Mr. Jones,	no	
Mr. Marchant,	no	no	F. L. Lee,	no	no
Connecticut,			R. H. Lee,	no	
Mr. Dyer,	no		Harvie,	no	
Law,	no	no	*North Carolina*,		
Williams,	no		Mr. Penn,	no	
New York,			Harnett,	no	no
Mr. Duane,	no		*South Carolina*,		
Duer,	no	no	Mr. Middleton,	no	
New Jersey,			Heyward,	no	no
Mr. Witherspoon,	no		Laurens,	no	
Elmer,	ay	div.			

So it passed in the negative.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 16, 1777

A letter, of the 13th, from General Washington, with a copy of the judgment of a court of enquiry, appointed to examine into the conduct of Major General Sullivan in the expedition commanded by him to Staten Island in the month of August last, and sundry other papers; also, a letter of the 10, from Jonathan Trumbull, Junr deputy pay master general in the northern department, at Albany, and one, of the 14th, from General Mifflin, at Reading, with sundry papers enclosed, were read.[2]

[1] A copy of these proceedings on the confederation, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 47, folio 82.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 105.

Ordered, That 2,249 dollars be paid to Messrs. Livingston & Turnbull, or order, in discharge of a bill, in their favour, drawn by J. Bradford, dated Boston, August 27, 1777, on the Marine Committee, expressed to be for value received for the naval department in the service of the United States, the said J. Bradford to be accountable.

Ordered, That the letter from General Washington, with the papers enclosed, be referred to the Board of War, and that the judgment of the court of enquiry be published.

Ordered, That the letter from General Mifflin and J. Trumbull, Esq[r] be referred to the Board of Treasury.

Ordered, That a warrant for two hundred thousand dollars be drawn on the commissioner of the loan office for the State of Massachusetts bay, in favour of Jonathan Trumbull, Jun[r] deputy pay master general, for the use of the army in the northern department, and for which the said J. Trumbull is to be accountable.

Ordered, That a copy of General Washington's letter of the 13th, and returns relative to cloathing wanted for the army, be sent by express to each of the states of Massachusetts bay, Connecticut, New Jersey, Pensylvania, Maryland and Virginia, and they be respectively requested to send the General, with all possible despatch, as many of the several articles mentioned in the return as can be collected and are not immediately wanted for their respective regiments which have not joined the army aforesaid, and to order the officers in the cloathier's department, in the states aforesaid, to use their utmost exertions in forwarding the cloathing in their possession.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Congress took into consideration the report of the committee on departments relative to the war office, and the same being read over and debated by paragraphs, it was moved and agreed that the first be postponed.

The second and third paragraphs, the question being severally put, were agreed to. The 4th passed with an amendment. The 5th was agreed to. The 6th was amended and passed. The 7 was agreed to. The 8th was amended and passed. The 9th, 10th and 11 were agreed to. The 12 was amended and passed, after which a new paragraph was moved to be inserted, and agreed to. The 13th was agreed to, after which two new paragraphs were moved to be inserted, the first of which was agreed to; to the second, it was moved to add these words: "and papers of the said board except the returns of the army, military stores or provisions;" instead of which it was moved that ~~it should be expressed thus~~ the following addition should be made: "and to take copies thereof excepting copies of returns of the armies, provisions or military stores, which shall not be delivered to any member without the order of Congress;" and the yeas and nays being required:

New Hampshire,		
Mr. Folsom,	ay	ay
Massachusetts Bay,		
Mr. S. Adams,	ay	ay
J. Adams,	ay	
Gerry,	ay	
Lovell,	ay	
Rhode Island,		
Mr. Marchant,	ay	ay
Connecticut,		
Mr. Dyer,	ay	ay
Law,	no	
Williams,	ay	
New York,		
Mr. Duane,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	no	div.
Elmer,	ay	
Maryland,		
Mr. Chase,	no	no
Carroll,	ay	
Smith,	no	
Virginia,		
Mr. Jones,	no	no
F. L. Lee,	no	
R. H. Lee,	no	
Harvie,	ay	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
South Carolina,		
Mr. Middleton,	ay	ay
Heyward,	ay	
Laurens,	ay	

So it was resolved in the affirmative, and the paragraph with the amendment was agreed to.

The 14 was amended and passed.

||The farther consideration of the report being postponed,||

Adjourned to 10 o'Clock to Morrow

FRIDAY, OCTOBER 17, 1777

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That there be advanced to Ebenezer Hazard, Esq[r] surveyor general of the post office of the United States, 3,000 dollars, for the use of the said department, and for which he is to be accountable:

Ordered, That there be advanced to Joseph Holmes, Esq. deputy commissary general of prisoners, 1,500 dollars towards the expence of hiring houses or erecting barracks and palisades for the habitation of the prisoners of war ordered to be removed into Virginia, he to be accountable:

Ordered, That there be advanced to Colonel George Morgan 14,000 dollars, on occount of expences incurred by him for the public service at Fort Pitt, and for which he is to be accountable:[1]

Ordered, That there be paid to Messrs. Price & Haywood the sum of 348 dollars, on account of a balance due them from the United States:

That four sets of exchange be drawn by the president on the Hon[ble] Benjamin Franklin, Arthur Lee and Silas Deane, Esqr[s] commissioners of the United States in France, and countersigned by the auditor or assistant auditor general; one set for 18,796 Spanish milled dollars, one set for 11,748 Spanish milled dollars; one set for

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 441.

4,699 Spanish milled dollars, and one other set for 2,349 Spanish milled dollars, making, in the whole, the sum of 37,592 Spanish milled dollars, in favour of Messrs. James Price & William Haywood, in full payment of all demands which they or either of them have against the United States:[1]

Ordered, That the president issue the following warrants in favour of Major General Mifflin, quarter master general, and for which he is to be accountable, viz. a warrant, on the commissioner of the loan office for the State of Connecticut, for fifty thousand dollars, to be transmitted to the deputy quarter master general at Fishkill; a warrant, on the commissioner of the loan office for the State of New Hampshire, for fifty thousand dollars, to be transmitted to the deputy quarter master general at Hartford; a warrant, on the commissioner of the continental loan office for the State of Virginia, for fifty thousand dollars, to be transmitted to the deputy quarter master general at Williamsburg; a warrant, on the commissioner of the loan office for the State of New Jersey, for forty thousand dollars, to be transmitted to the deputy quarter master general at Easton; and a warrant, on the commissioner of the continental loan office for the State of Pensylvania, for sixty thousand dollars:

And that there be paid to the said quarter master general, out of the treasury, or moneys in the hands of the auditor general, the farther sum of 102,000 dollars, for the use of his department, and for which he is to be accountable; the said several sums amounting to 352,000 dollars, and for which the said quarter master general has made application by letter to Congress, dated the 14 instant.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 443.
[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 445.

Resolved, That Congress highly approve of the brave and spirited conduct of Commodore Hazlewood, and the other officers and men concerned in the defence of the river Delaware, and of their undaunted perseverance and resolution to maintain that pass to the city of Philadelphia to the utmost extremity.

Resolved, That four members be added to the Board of War:

The members chosen, Mr. [John] Harvie, Mr. [John] Witherspoon, Mr. [William] Williams, and Mr. [Joseph] Jones.

A letter, of this day, from Joseph Pennell, was read:

Ordered, That it be referred to the Board of Treasury.

The committee appointed to consider a motion made on the 15 for recruiting the army, brought in a report, which was taken into consideration: Whereupon, Congress came to the following resolutions:

Whereas, the deficiency of the several batallions, now in the service, has, in the present campaign, been attended with manifest disadvantages to the United States; and, whereas, the divided state of the enemy's troops, their reduced number, and distance from their ships of war, afford the most favourable opportunities for attacking and subduing them before reinforcements can be sent to their aid; which salutary purpose may, under Providence, be obtained by the vigorous exertions of the several states for speedily filling their respective batallions:

Resolved, That it be earnestly recommended to the said states, to use their utmost endeavours for immediately compleating their several quotas, and to address their inhabitants on the advantages that will result therefrom:

That to the premium of 5 dollars offered by a resolution of Congress of the 31 July last, for apprehending and securing deserters from the continental army, an addition

be made of 5 dollars for each deserter so apprehended and secured, and 12/90 parts of a dollar for each mile between the place in which he may be taken and to which he may be conveyed:[1]

That the premium and other expences for apprehending deserters be stopped out of the pay which may be already due to such deserters respectively, or that shall become due to such of them as may receive a pardon:

~~That it be recommended to the Legislatures of the several states to provide by Law, that any person may apprehend and carry any Deserter from the Land or Sea Service of the united States before the nearest Justice of the peace who shall forthwith cause such Deserter to be conveyed to the nearest Continental officer of the Land or Sea Service, as the Case may be, or to the public Goal of the County. The Justice shall give a Certificate expressing the arrest of, and the Distance, such Deserter shall be brought, which Certificate shall entitle the Bearer to a reward of 8 Dollars for the apprehending such Deserter and 12/90ths of a Dollar for every Mile therein expressed; that any person, who shall deliver the Deserter to the officer, Sheriff or Goal, shall receive the same Mileage; that the Reward and Mileage aforesaid shall be paid by the officer or sheriff, to whom such Deserter shall be delivered, that the Sheriff be reimbursed by his State, the Money by him paid, together with the expense of advertising such Deserter, and 1/5 of a Dollar per day for his Maintainance, to be charged to the united States; that the Sheriff shall immediately publish the Name of the Deserter and the Company, Regiment or Vessell, to which he belongs, or such of those circumstances as shall come to his Knowledge, in some one of the News Papers of his State, for four successive Weeks: That the Justice, before whom any Deserter shall be brought, shall immediately transmit an account thereof to the Secretary of the Continental Board of War, and to the Commanding Officer of such Deserter.~~

That it be recommended to the legislatures of the several states to provide by law for the more effectual detecting and punishing any person who shall knowingly

[1] The original report reads: "And that it be recommended to the respective States to pass laws inflicting severe punishments on all persons who shall encourage or harbour Deserters as aforesaid."

harbour, conceal or assist any deserter from the land or sea service of these states, or who shall, knowingly, detain, buy, exchange or receive any horse, arms, accoutrements, or cloaths belonging to the United States, from any soldier, trooper, mariner, deserter, or any other person; and that the penalties for such offences be exemplary, and the mode of recovery easy and expeditious:[1]

That copies of the above resolves, with duplicates of the resolution of Congress of the 31 of July last, be sent to the respective states, and that they be desired to publish such parts thereof as they shall judge necessary:

That General Washington be directed, forthwith, to order one or more of his officers, that are or may be appointed to receive recruits and deserters, agreeable to the resolution of the 31 of July last, to apply to the supreme executive authority of each respective State for the names of the recruiting officers and of the places of rendezvous, which the said executive authority were requested to appoint by the resolution aforesaid; and the said executive authority are requested to furnish such commissioned officer or officers with sufficient sums of money to pay the premiums, mileages, and subsistence of the recruits and deserters, which they may receive, agreeable to the said resolve; to draw on Congress for such advances; to call to account therefor, the officer or officers, and arrest such as shall refuse a compliance therewith; and the said officer or officers are respectively directed punctually to pay the premiums for each recruit and deserter as aforesaid; to take receipts therefor, and to adjust their respective accounts with the supreme executive authority aforesaid before they leave the State, and constantly to publish the names of the places of their residence and rendezvous as aforesaid:

[1] The canceled paragraph and this one, in the writing of William Paca, is in the *Papers of the Continental Congress*, No. 19, III, folio 89.

That General Washington be directed to publish a proclamation, offering pardon to such as have deserted from the continental army, and shall, on or before such day as he shall think proper to fix in his proclamation, return to their respective corps, or surrender themselves to the officers appointed to receive recruits and deserters in the respective states, or to any other continental commissioned officer.[1]

Some packets being brought from Martinico, and laid before Congress, directed to Willing, Morris, & Co. and Mr. Morris being absent, and there being strong reasons from the information of the messenger who brought the said packets, that they contained public despatches for Congress, or some of its committees:

Ordered, That the covers be opened.

The committee on the post office brought in a report.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Congress took into consideration the report of the committee on the post office; Whereupon,

Resolved, That the post master general be authorized, during the present exigence, to appoint two additional surveyors of the post office, and that all the surveyors be allowed six dollars a day each, in full consideration of travelling expences, and all other allowances:

That the tour of the whole be as follows: one from Casco Bay to Philadelphia, or, during the enemy's being in possession of that city, to Lancaster; one from Philadelphia or Lancaster, to Edenton, in North Carolina, and the third from Edenton to Savannah, in Georgia:

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 21, folio 135. The proclamation by Washington was issued October 24. See *Writings of Washington* (Ford), VI, 139*n*.

That an inspector of dead letters be appointed, with a salary of one hundred dollars a year: to examine all dead letters at the expiration of each quarter; to communicate to Congress such letters as contain inimical schemes or intelligence; to preserve carefully all money, loan office certificates, lottery tickets, notes of hand, and other valuable papers enclosed in any of them, and be accountable for them; and to keep a book containing an exact account of such papers, &c. so found, the date of the letters, from whence and by whom written, and to whom directed; that he be under oath faithfully and impartially to discharge the duties of his office; that he be enjoined to take no copy of any letter whatever, and not to divulge their contents to any but Congress, or those whom they may appoint for the purpose:

That the post go not out of his regular and usual course in order to pass by head quarters, but that the post masters on each side of head quarters, and nearest to them, have authority to hire expresses for the purpose of carrying letters for the army to the post office there:

That the rate of postage be increased fifty per centum ~~above its present rate, as the present profits of the office fall far short of the expence created by it.~~

Resolved, That an allowance of 250 dollars be made to the present survevor of the post office, for past extraordinary services.

~~Resolved, That 3,000 dollars be advanced to the Postmaster general for Post office expences, he to be accountable.~~[1]

Resolved, That the Committee of Intelligence be authorized to take the most speedy and effectual measures for getting a printing press erected in this town ||York town,|| for the purpose of conveying to the public, the intelligence that Congress may, from time to time, receive.

[1] This report, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 61, folio 443.

Congress resumed the consideration of the report on the War Office, which was agreed to: Whereupon,

Resolved, That a Board of War be established by Congress, to consist of three persons not members of Congress:

That there shall be a secretary to the said Board, to be appointed by Congress:

That the Board shall recommend, for the approbation and appointment of Congress, as many clerks as shall be necessary for assisting them in the execution of the business of their department:

That the powers and duties of the said Board shall be as follows:

To obtain and keep an alphabetical and accurate register of the names of all officers in the land forces in the service of the United States, with their ranks and the dates of their commissions; to fill up all military commissions which shall be signed by the president of Congress, and countersigned by the secretary of the war office, and to publish annually a register of all appointments.

To obtain and keep regular and exact accounts of the numbers and dispositon of the forces of the United States.

To obtain and keep exact accounts of all the artillery, arms, ammunition, warlike stores, cloathing, medicines, and provisions, belonging to the United States, and of the manner in which, and the places where the same shall, from time to time, be lodged and employed.

To take the immediate care and direction of all such artillery, arms, ammunition, and warlike stores, as shall not be employed in actual service.

To superintend the building and management of laboratories, arsenals, founderies, magazines, barracks, and other public buildings, the necessity of which they are, from time to time, to report to Congress.

To forward all despatches from Congress to the states

and armies, and all moneys ordered by Congress to be transmitted for the public service, and to provide guards for the safe conveyance of such despatches and moneys, whenever it shall appear to the board to be necessary.

To superintend the raising, recruiting, and despatching, of the land forces in the service of the United State.

To take the care and direction of prisoners of war.

To lay before Congress proper and seasonable estimates of such artillery, arms, ammunition, and warlike stores, cloathing and medicines, as shall, from time to time, be wanted for the service of the United States.

To execute all such matters as they shall be directed, and give their opinion on all such subjects as shall be referred to them by Congress; and, in general, to superintend the several branches of the military department; and if, at any time, they think a measure necessary for the public service, to which their powers are incompetent, they shall communicate the same to Congress, for their direction therein.

To keep fair entries of all the business transacted by them.

The said Board shall sit in the place where Congress shall be held, and no member of the Board shall absent himself without leave of Congress:

All the proceedings of the Board shall be inspected by Congress, or a committee by them appointed for that purpose, once a month, or oftener, as may be thought proper and convenient; and every member of Congress may have free access to the records of the said Board, and take copies thereof, excepting copies of returns of the armies, provisions, or military stores, which shall not be delivered to any member without the order of Congress.

Resolved, That all military and other officers attending upon or connected with the army of the United States,

be, and they are hereby, required and enjoined to observe the directions of the said Board, in making and transmitting proper returns, and such other matters as may tend to facilitate the business of the said Board:

That it be recommended to each of the United States, to give the said Board all necessary assistance in the execution of the business of their department.

Resolved, That the salary of each of the three gentlemen who shall conduct the business of the Board of War, be two thousand dollars per annum.

Ordered, That to morrow be assigned for electing commissioners to audit and settle the accounts of Georgia against the United States.

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.||

SATURDAY, OCTOBER 18, 1777

A letter, of the 12th, from General Gates, at Saratoga, with sundry papers enclosed, was read:[1]

Ordered, That the same be referred to the Committee of Intelligence.

Resolved, That all letters, returns and despatches relative to the public affairs of these United States, in the department of the Treasury Board, the Board of War, the Marine Committee, the Commercial Committee, the Committee of Foreign Affairs, and all other committees and departments, be, in future, directed to Congress or the president; any resolution of Congress to the contrary notwithstanding.

The Committee of Commerce laid before Congress a letter from Mr. Bingham, at Martinico, containing a copy

[1] This letter is in the *Papers of the Continental Congress*, No. 154, I, folio 272.

of sundry resolutions passed by the assembly of the State of Georgia, 26 May last, and sundry other papers, which were read; Whereupon,

Congress, taking into consideration a resolve of the house of assembly of Georgia, of the 26 of May last, purporting, "that Captain de la Playne be empowered to engage two or three engineers of character, with some officers for the artillery service, and that there be delivered to him some blank continental commissions, which he may bestow on such officers as he shall think proper for recruiting men, both soldiers and sailors, which business, if completed, the officers and men shall be received into the continental batallions and service of that State; and that he do also receive cadets according to the usual custom of the army."

Resolved, That Congress highly disapprove of the continental commissions being sent abroad in the manner and for the use mentioned in the said resolve, as well as of the design to recruit soldiers for the continental service in foreign parts, without application to Congress, and permission from the princes and governments within whose dominions such recruits may be obtained.

Ordered, That this resolve be transmitted to the American commissioners at Paris, by the Committee for Foreign Affairs:

That a copy be sent to the State of Georgia.

Ordered, That the said letters and papers be referred to the Board of War.

A letter from William Shippen, director general, to the Medical Committee, was laid before Congress and read:

Ordered, That it be referred to the Board of War.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 20, 1777

A letter, of the 16, from General Washington, at Wentz's tavern, enclosing a letter of the 8th, and one of the 13, from Jacob Duché; also, a letter of the 11, from Colonel David Mason, enclosing the judgment of a court martial on the trial of John More, a deserter, were read:[1]

Ordered, That the judgment of the court martial be referred to the Board of War, and the letter from Colonel Mason to the Board of Treasury.

A letter, of the 16th, from the Rev. Mr. George Duffield, at Trenton, was read, wherein he declares his acceptance of the office of chaplain to Congress.[2]

Congress proceeded to the election of one of the chaplains for the hospital in the middle department, and, the ballots being taken,

The Rev. Mr. Elihu Spencer was elected.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the governor and council of Maryland be informed that the artillery regiments in the service of the United States have suffered so much in the late engagements, that there are not a sufficient number to do the duty of artillery men in the army, and therefore that the government of that State be earnestly requested to order the companies of matrosses in the service of the State of Maryland to join the army immediately, and promising that the said companies shall be ordered to return whenever the government of that State shall require it.

Resolved, That the result of the court of enquiry into

[1] The letter of Washington, with that of Duché, is in the *Papers of the Continental Congress*, No. 152, V, folio 119. It is printed in *Writings of Washington* (Ford), VI, 114.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 139.

the expedition of Staten Island, so honourable to the character of General Sullivan, is highly pleasing to Congress, and that the opinion of the said court be published in justification of the injured character of that officer.[1]

Resolved, That Brigadiers General Howe and M'Dougal, be promoted to the rank of Major General in the service of the United States.[2]

Resolved, That Mr. William Massey be appointed deputy muster master general to the continental troops raised or to be raised in the States of South Carolina and Georgia.

Resolved, That those parts of Mr. President Rutledge's letter of the 8 August, and the whole of that of the 11th September, to the delegates of South Carolina, relative to Indian affairs, be referred to the Committee on Indian Affairs:

Resolved, That General R. Howe's letter of the 29 August last, relating to the general hospital in South Carolina, be referred to the Medical Committee.

Congress taking into consideration General Howe's letter of the 4 September, 1777, to the speaker and assembly of the State of Georgia, and another of the 28 August to the president of Congress, in which he represents the danger of an Indian war, being provoked by the wantonness and indiscretion of several persons in that State;

Resolved, That it be earnestly recommended to the president and assembly of the State of Georgia, to use their utmost exertions to cultivate peace and harmony with the Indian nations; and to enable them to effect this salutary purpose, that they forthwith enact laws inflicting severe penalties on such of their inhabitants as

[1] A copy of this resolve was sent by President Laurens to Washington, 4 November, 1777, saying that it "will be made public here as soon as a printing press can be set to work. This is expected to be in a few days." *Papers of the Continental Congress*, No. 13, I, folio 2. The testimony taken on Sullivan's venture is in No. 63, folios 1–23.

[2] The original report added: "and that General Howe be ordered forthwith to repair to Head Quarters of the Grand Army." McDougall's name came before that of Howe.

may endeavour to provoke a war which may endanger the State of Georgia, and entail great injury and expence to the United States.[1]

Resolved, That Samuel Allen M'Croskey and George Stevenson, Jun[r] be appointed first lieutenants; Andrew Colhoon and John M'Curdy second lieutenants, and William Montgomery and David Holmes ensigns, in the two regular companies appointed to be raised on continental establishment, for the purpose of guarding the stores at Carlisle; and that commissions be filled up for them accordingly.

Ordered, That Mr. [Thomas] Heyward have leave of absence to convey his family to South Carolina.

The Committee on Foreign Affairs laid before Congress a letter of the 11 August from W. Lee, at Nantes, which was read:

Ordered, That it be referred to the Committee of Commerce.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met. No business done.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 21, 1777

Prayers by M[r] White.

A letter, of the 18, from General Washington, and one, of the 16, from General Putnam, at Fishkill, both enclos-

[1] These resolves were based upon two reports of the Board of War, dated October 17 and 19. On the 17th the following members of the Board were present: John Adams, Samuel Adams, Francis Lightfoot Lee and William Duer. On the 19th, John Adams, Samuel Adams, Francis Lightfoot Lee, William Duer, Joseph Jones, William Williams and John Harvie. The reports are in the *Papers of the Continental Congress*, No. 147, I, folio 315.

ing copy of a letter of the 15 from Governor Clinton, at Kingston, giving intelligence that at 8 o'clock on the evening of the 14th, a capitulation was signed, whereby General Burgoyne and [his] whole army surrendered themselves prisoners of war. One of the 17th, from General Sullivan, dated camp on Metuchin Hills, with sundry papers enclosed. One, of the 19th, from General Mifflin, enclosing a letter from Colonel Lutterloe, giving an account of General Howe's retreat from Germantown. One, of the 14, from Governor Trumbull, at Hartford. One, of the 9th, from Colonel D. Mason, at Williamsburgh; and a message from Captain White Eyes; were read.[1]

Ordered, That the message from Captain White Eyes be referred to the Committee on Indian Affairs.

Resolved, That Jesse Brown, who hath been employed as an express by his excellency Governor Trumbull to the different departments and to and from Congress, and hath proved himself faithful and alert in that business, submit his accounts for past services to the commissioners of accounts for the State of Connecticut, and charge the same to account of the United States; and that he be continued as an express in the continental service.

Resolved, That the commissioners of the United States in France and Spain, have full power to superintend and direct the several agents and factors of the said states, employed in the kingdoms aforesaid; to remove such as they shall think disqualified for this office, and to appoint others in their room.

A motion being made for importing arms, ammunition, cloathing, &c.

[1] The draft of the Washington letter is in *Letters of Washington*, Series A, III, folio 80. The letter of Putnam is in the *Papers of the Continental Congress*, No. 159, folio 107; that of Sullivan, in No. 160, folio 75; that of Mifflin, in No. 161, folio 20; that of Lutterloe, in No. 161, folio 24; that of Trumbull, in No. 66, I, folio 345; and that of Mason, in No. 78, XV, folios 257, 261.

Ordered, That it be referred to the Board of War.

The Board of Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on Jonn Gibson, Esq[r] auditor general, in favour of the hon[ble] Board of War, for fifty thousand dollars, to be transmitted by them to Benjamin Harrison, Jun[r] Esq[r] deputy pay master general in the southern department, the said pay master to be accountable:

That a warrant issue on the treasurer in favour of Colonel Jeremiah Dugan, to be paid to Mrs. Dugan, for the sum of two hundred dollars, advanced on account of his pay as a major commandant, he to be accountable:[1]

That there be advanced to John Baynton, Esq[r] deputy pay master general at Pittsburgh, ten thousand dollars, for which he is to be accountable.

Congress resumed the consideration of the articles of confederation, as reported by the committee of the whole.

The fourth article being read and debated, on the question put, was agreed to, N. C. D.

The fifth article was read twice, and on the question put, the same was agreed to, N. C. D.

The sixth article was read, as follows: "No state shall lay any imposts or duties which may interfere with any stipulations in treaties hereafter entered into by the United States assembled, with any king, prince or state;" Whereupon it was moved, to strike out from the word "duties," and insert "upon goods, wares or merchandise, imported or exported by any foreign nation with whom the United States assembled shall enter into any commercial treaty, other than what shall be laid upon the inhabitants of such state; provided that any state may totally prohibit the exportation or importation of any

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 449.

particular species of goods, wares or merchandise; and provided also, that if any foreign nation shall not allow the same privileges, exemptions or advantages, to the people and vessels of any state trading in their ports, as to their own people and vessels, the said state may disallow the like privileges, exemptions and advantages to those foreigners."[1]

After some debate thereon, the farther consideration thereof was postponed till the afternoon.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

The committee appointed to confer with the commissary general of purchases, brought in a report:

Ordered, That the consideration thereof be postponed till to Morrow.

Congress resumed the consideration of the 6th article of the confederation, and the amendment thereon; and the question being put on the amendment,

[1] In the *Papers of the Continental Congress*, No. 47, folio 109, is the following, in the writing of Richard Henry Lee:

"Strike out from the word "duties" and insert Upon goods wares or Merchandise imported or exported by any foreign Nation with whom the United States assembled shall enter into any Commercial Treaty, other than what shall be laid upon the Inhabitants of such state, ~~or inconsistent with the stipulations contain~~ Provided that any State may totally prohibit the exportation or importation of any particular Species of goods, wares or Merchandise, and provided also that if any foreign Nation shall not allow the same priviledges, exemptions, or advantages to the people and Vessels of any of these States trading in their Ports as to their own people and Vessels, the said State may disallow the like privileges, exemptions, and advantages to those foreigners."

In the same volume, folio 109½, is the following in the writing of Elbridge Gerry:

"That the Revenue arising in each State from the Duties and Imposts laid therein on Exports, and Imports, shall be Considered as the Property of the said State; but the Laws of each State imposing such Duties or Imposts, shall pass the Approbation of Congress before they are carried into Execution by such State."

On the back of this slip, in the writing of John Adams, is the following:

"To [agree upon and fix] ascertain the necessary sums of Money to be raised for the service of the united States, and to appropriate and apply the same [to public uses] for defraying the public Expences."

The states were equally divided.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 22, 1777

Prayers.

Resolved, That the president issue his warrant on the treasurer for four thousand dollars, in favour of George Ross, Esq[r] and Company, owners of the Mary Ann Furnace, in part of payment of cannon ball made by them for the use of the navy, agreeable to contract with the Navy Board for the middle department, which is to be charged with this sum, and the said George Ross and Company to be accountable to them for the same.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the case of John More, a private in the 4th Virginia regiment, tried and condemned to be shot for desertion, together with the proceedings of the court martial, be referred to General Washington for his determination thereupon.[1]

A petition, from Daniel Shelly, a prisoner in the gaol of Carlisle, in the state of Pensylvania, together with a copy of his examination, were laid before Congress and read:[2]

Ordered, That the same be referred to the executive council of the State of Pensylvania.

A letter from Daniel Clymer to R[ichard] Bache,

[1] This report, dated October 21, is in the *Papers of the Continental Congress*, No. 147, I, folio 371. It contains the following:

"*Ordered*, That the Chairman lay the letter from Daniel Clymer, Esq[r], relative to Governor Franklin's Situation, before Congress for their Determination thereon."

[2] This petition is printed in *Pennsylvania Archives*, Second Series, III, 136.

respecting the confinement of Mr. W[illiam] Franklin, was laid before Congress and read:[1]

Ordered, That it be referred to the Board of War.

A petition and memorial of Cumberland Dugan, of Baltimore, was read:

Ordered, That it be referred to the Committee of Commerce.

A petition from John Kerr was read.

Ordered, That it be referred to the Marine Committee.

Congress took into consideration the report of the committee appointed to confer with the commissary general of purchases, on the measures adopted by him for obtaining the necessary supplies of provisions for the ensuing year, ~~together with a letter from the said commissary to the Committee, and an estimate of the necessary quantities of the respective species of provisions &c., for the support of the army.~~ and on a proposed alteration in the rations; Whereupon,

Resolved, That the commissary general of purchases be authorized and empowered to apply to the governor and council of safety of Connecticut, or to the board of war of the Massachusetts bay, or to empower the deputy commissary general of purchases for the eastern district, to import (or contract with persons who shall import and supply, on reasonable terms) a sufficient quantity of salt, for the army of the United States, in the middle district; that the masters of the vessels to be employed for this purpose, be severally directed to deliver their cargoes of salt at such ports in the middle or southern districts as the commissary general shall think most convenient, and that he order cargoes of flour or grain, on the arrival of these vessels at the ports aforesaid, to be provided and shipped in them for the army in the eastern district:

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 111.

And the said governor and council of safety and board of war are severally requested to assist the commissary in accomplishing these purposes, and to grant or procure permits for exporting cargoes to purchase the salt.

And, whereas, there is an immediate demand for the article aforesaid in the middle district:

Resolved, That the supreme executive authorities of the states of Massachusetts bay and Connecticut, be respectively requested to assist the commissary general of purchases in procuring waggons or teams for removing 12,000 bushels of salt from the eastern to the middle district, that the said commissary be directed to employ the waggons or teams procured in the Massachusetts bay, to remove the salt from thence to Connecticut; and those procured in the state last mentioned in removing the salt from thence to such places on the North River as he shall judge most convenient; and the said commissary general is directed to procure waggons or teams in the middle district, and load them with flour, to be delivered at the North River, and sent by the teams bringing the salt from Connecticut to the magazines of the army in that State; and that the waggons or teams from the middle district be employed to bring from the North River the salt to be deposited there as aforesaid:

That the commissary general of issues be directed to apply to General Washington for a certificate of the provisions allowed for each ration drawn by the army, previous to the appointment of himself to the office aforesaid, and to direct the several issuing commissaries under him to deliver provisions to the army agreeable to the said certificate, till the further order of Congress, any resolution of Congress to the contrary notwithstanding; and that the commissary general of issues transmit to Congress by the earliest opportunity, a copy of the certificate which he shall receive from General Washington.

Resolved, That the alteration proposed by the commissary general of purchases in the ration at present ordered by Congress to be issued to the army, be transmitted to General Washington, and that he be desired to communicate to Congress his sentiments on this subject as soon as possible.

That a Committee be appointed to enquire into the Conduct of Colonel Morgan, agent of Indian Affairs; that they correspond with General Hand and such other persons as they may think capable of giving them Information, relative thereto, and that in the Interim the Business of the Commissary's Department be conducted, as heretofore, by Colonel Morgan.

Ordered, That the committee who brought in the foregoing report prepare a plan for establishing a board to superintend the departments of the commissaries and quarter master general.[1]

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Whereas, reports injurious to the character of Colonel George Morgan, agent for Indian affairs at Fort Pitt, have prevailed, representing him as unfriendly to the cause of America:

Resolved, That a committee of three be appointed to enquire into the conduct of Colonel Morgan; and that he be required forthwith to repair to Congress for that purpose; and that a proper person be appointed to perform the duties entrusted to Colonel Morgan until the event of such enquiry:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Daniel] Roberdeau and Mr. [Richard] Law.

Ordered, That to morrow be assigned for appointing a

[1] This report, in the writing of Elbridge Gerry, with amendments by William Duer, is in the *Papers of the Continental Congress*, No. 29, folio 95.

proper person to perform the duties entrusted to Colonel Morgan until the event of the enquiry ordered to be made into his conduct.

The Committee of Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That there be advanced to Lieutenant Colonel Levin Powell, for the use of part of the Virginia regiment, now on their march to join the main army, which regiment is under the command of Colonel William Grayson, the sum of 400 dollars, the said Colonel Grayson to be accountable:

Ordered, That there be advanced to Major James Armstrong Wilson, 520 dollars, to purchase blankets for the use of two companies under his command, stationed at Carlisle, to guard the public stores deposited there.[1]

The Board of Treasury farther reported, "that they have reason to think, from the best information they can obtain, that Mr. Robert Ritchie, one of the commissioners of claims, has not removed from the city of Philadelphia, and find that the private concerns of Mr. Fitzsimons, another of the commissioners, has prevented his necessary attendance to the business of the said office;" Whereupon,[2]

Resolved, That two commissioners of claims be appointed to supply the places of the gentlemen aforesaid:

Ordered, That to morrow be assigned for nominating the commissioners aforesaid, and also of a commissioner for auditing and settling accounts in the northern department, in the room of Mr. Robert Carter, who has resigned.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 451.

[2] This report, dated October 18, is in the *Papers of the Continental Congress*, No. 136, I, folio 447.

THURSDAY, OCTOBER 23, 1777

Prayers.

Ordered, That Dr. John Linn, appointed a director of the hospital in the district of Quebec, as appears by Brigadier General Wooster's orders, dated Albany, September 30, 1776, be referred for the settlement of his accounts, to the Board of Treasury.

Congress took into consideration a report of the Marine Committee of the 10 July last; Whereupon,

Resolved, That the Navy Board for the eastern department be empowered to suspend any commander or other officer in the continental navy within their district, until the pleasure of Congress shall be known, giving immediate notice thereof to the Marine Committee, with the causes of such suspension.

The Committee of Commerce, to whom the petition and memorial of Cumberland Dugan was referred, brought in a report; Whereupon,

Resolved, That the president issue his warrant for five thousand dollars on the treasurer, in favour of the Committee of Commerce, to enable them to settle the claims of Cumberland Dugan, specified in his petition and memorial referred to them; they to be accountable.

Congress resumed consideration of the Articles of Confederation, as reported by the committee of the whole.

The sixth article was read; whereupon it was moved to strike out the word "hereafter," in the second line, and to add to the article ||paragraph under debate on Tuesday, these words,|| "in pursuance of any treaties already proposed by Congress to the courts of France and Spain;" and, the question being put, the same was agreed to.

On the question put, the 6th article as amended passed.

The seventh article was read, and on the question put,

Resolved, in the affirmative, N. C. D.

The eighth article being read, and the question put,

Resolved in the affirmative, N. C. D.

The last sentence in the 9 article being read, and the question put,

Resolved in the affirmative, N. C. D.

The Tenth article being read and the question put,

Resolved in the affirmative, N. C. D.

The eleventh article was read, whereupon it was moved, after the word "reprisal" in the 8th line, to insert "Unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion and kept so long as the danger shall continue or till the united states in Congress assembled shall determine otherwise." And the question being put, the same was agreed to.

The question being then put on the 11th article, as amended,

Resolved in the affirmative.

The 14 article was read, and debated by paragraphs, and the question being put severally thereon, the 1, 2, 3, 4 & 5 paragraphs were agreed to. It was then moved after the word "captures" at the end of the 11th line, to insert "provided that no member of Congress shall be appointed a judge of any of the said courts. The united States in Congress assembled shall also have the sole and exclusive right and power of." And the question being put,

Resolved in the affirmative.

The 6 and 7 paragraphs as amended were agreed to.

It was moved, after the word, "alliances," in the 13 line, to insert, "provided, that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever:"

||After debate, the farther consideration thereof was postponed to the afternoon.||

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

The Committee on the Treasury brought in a report, which was taken into consideration: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mrs. Fullerton for 160 dollars, being for the payment of her husband Humphrey Fullerton, his draught, dated Long Island, 1st May last, on the pay master of the flying camp, for sixty pounds, on account of his pay as surgeon to Colonel Swoop's Pensylvania batallion of the flying camp, he being taken prisoner at Fort Washington, and yet remaining so; he to be accountable.

Congress resumed the consideration of the amendment on the paragraph in the article of confederation, under consideration ||this morning,|| and after debate the motion was divided, and the yeas and nays being required on the first part, ||as far as the disjunctive "or;"||

New Hampshire,			*Pensylvania*,		
Mr. Folsom,	no	no	Mr. Morris,	ay	ay
Massachusetts Bay,			Roberdeau,	ay	
Mr. S. Adams,	ay	ay	*Maryland*,		
J. Adams,	ay		Mr. Smith,	ay	*
Lovell,	ay		*Virginia*,		
Rhode Island,			Mr. Jones,	ay	ay
Mr. Marchant,	no	no	R. H. Lee,	ay	
Connecticut,			F. L. Lee,	ay	
Mr. Dyer,	no	no	Harvie,	ay	
Law,	no		*North Carolina*,		
Williams,	—		Mr. Penn,	ay	ay
New York,			Harnett,	ay	
Mr. Duane,	ay	ay	*South Carolina*,		
Duer,	ay		Mr. Heyward,	ay	div.
New Jersey,			Laurens,	no	
Mr. Witherspoon,	no	div.			
Elmer,	ay				

So it was resolved in the affirmative.

The question was then put on the second part of the motion, and the same was agreed to. The question being put on the paragraph with the amendment,

Resolved, in the affirmative.[1]

On motion, *Resolved*, That the farther consideration of the article be postponed till to morrow.

The Marine Committee brought in a report, which was taken into consideration: Whereupon,

Ordered, That the president issue his draft on Nathaniel Appleton, Esq[r] continental loan officer in the State of Massachusetts bay, for fifty thousand dollars, in favour of the Navy Board for the eastern department, for the service of the navy under their direction; they to be accountable:

Ordered, That the president issue his draft on Joseph Clark, Esq[r] commissioner of the continental loan office, in the State of Rhode Island, for fifty thousand dollars, in favour of the navy board for the eastern department, for the service of the navy under their direction; they to be accountable:

Ordered, That the president issue his draft on Nathaniel Appleton, Esq[r] commissioner of the loan office in the State of Massachusetts bay, for 3,180½ dollars in favour of Isaac Smith, Ebezener Storer, and William Phillips, Esq[rs] agents appointed by the Marine Committee, for settling the accounts of the prizes taken by the vessels fitted out by order of General Washington, to pay off a balance of £954 2 10 lawful money which the said agents certify to be due to Captain Winthrop Sargent on his account.

Resolved, That any two being a majority of the navy board for the eastern department, in the absence of the other, be, and they are hereby empowered, to do and

[1] A copy of these proceedings on the Confederation, in the writing of Belcher P. Smith, is in the *Papers of the Continental Congress*, No. 47, folio 85.

transact all and every matter and thing, which, by the constitution of the said board, all the members jointly were empowered to do.

Resolved, That the clerk of the navy board for the eastern department, instead of the salary heretofore ordered, be allowed fifty-five dollars per month, and that the said navy board be, and they are hereby empowered, to appoint one other clerk, if they shall judge it absolutely necessary, and to allow him such salary as they shall judge adequate to his services, not exceeding the sum of fifty-five dollars per month.

||The several matters to this day referred being postponed,||

Adjourned to 10 o'Clock to Morrow.

FRIDAY, OCTOBER 24, 1777

Prayers.

A letter, of the 21, from General Washington, at White Marsh, was read:[1]

Ordered, That an extract thereof, so far as relates to the recruiting service and taking up deserters, be sent to the executive powers of each State.

A memorial from Jonathan Trumbull, Junr deputy paymaster general in the northern department, was read:

Ordered, That it be referred to the Board of Treasury.

A memorial, from Mons. de Crenis, praying to be appointed a lieutenant colonel of cavalry was read:[2]

Ordered, That it be referred to the Committee on Foreign Applications.

Congress resumed the consideration of the 14 article of confederation ||respecting the powers of Congress,|| and, after some debate thereon, adjourned to 4 o'Clock.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 143.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, II, folios 31 and 41.

FOUR O'CLOCK, P. M.

Resolved, That a warrant issue on the treasurer for 500 dollars, in favour of William Shippen, Junr director general of the hospital, which is to be charged to the said W. Shippen, and for which he is to be accountable; this being to indemnify the treasurer for so much advanced by him to the said Dr. Shippen on account of the military hospitals, as appears by his receipt, dated 15 October, 1777.

Mr. President informed Congress that, with the advice of the Marine Committee, he had, on the 7th January last, issued a warrant on the treasurer for three thousand dollars, in favour of James Morris, Esqr for two months' pay to the seamen who re-took the brig *Lexington*, as a gratuity, and also for two months' pay on account of wages due to the seamen of the *Lexington*, Mr. Morris to be accountable; with an order to the treasurer to omit charging this in the public books, till the books of the Marine Committee arrived, when the money would be properly charged; Whereupon,

Ordered, That this warrant be entered and the money charged by the treasurer in the public books.

A letter, of the 19, from Brigadier Conway, was read.[1]

Ordered, That it be referred to the Board of War.

The Committee to whom was referred ye letter of Wm Buchanan Esqr Commissary General of purchases, dated Octo 14, 1777, beg leave to report,

That a Deputy Commissary General of purchases, and a Deputy Commissary Genl of issues be appointed for supplying ye forts and posts on ye western frontiers of Pennsylvania and Virginia and that ye limits of ye district be assigned by ye respective Commissaries General.

That assistant purchasing Commissaries be not allowed in ye district aforesaid.

[1] This letter is in the *Papers of the Continental Congress*, No. 159, folio 457.

That ye said Deputy Commissary General of issues be directed to receive from Col^{o} George Morgan, all ye provisions in his possession belonging to ye United States; who is directed to take receipts therefor, and to deliver his accounts and vouchers to ye Board of Treasury, as soon as may be in order for settlement and for charging ye said provisions to ye respective Commissary.

Agreed.[1]

Congress resumed the consideration of the 14 article of confederation ||relative to the powers of Congress,|| and, after some time spent thereon,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, OCTOBER 25, 1777

Prayers.

The Committee on the Treasury reported, that they have audited the account of the hon^{ble} President Hancock, for expenditures by him for the use of Congress, and that there is due to him on balance of accounts, the sum of 1,392 32/90 dollars; Whereupon,

Ordered, That the treasurer pay the said balance to the hon^{ble} president on a copy of this report being presented him, and certified by the secretary of Congress.

The said committee brought in a farther report; Whereupon,

Ordered, That there be advanced to Simon Hancock, captain of a company in Colonel Josias Clapham's batallion of Virginia militia, the sum of fifty dollars, the said Colonel Clapham to be accountable:

Ordered, That a warrant issue on John Gibson, Esq^{r} auditor general, in favour of Archibald M'Donald, for the sum of 260 dollars, it being for the allowance due to himself, Allan, Reynold, Allan, Jun^{r} and Alexander

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, I, folio 437. The word "agreed" is by another hand. The report or conclusions were not entered upon the Journals.

M'Donald, and their three servants, prisoners from Tryon county, in the state of New York, from the 27 August to 19 November, inclusive.[1]

The Committee on Indian Affairs brought in a report, which was taken into consideration; Whereupon,

Resolved, That the application of Abraham Nimham and his companions, in behalf of the Stockbridge Indians, to be employed in the service of the United States, be referred to Major General Gates, to whose army they are requested to repair.

Ordered, That the sum of two hundred dollars be paid to the said Abraham Nimham, for the use of himself and his companions, and as an acknowledgment for their zeal in the cause of the United States.[2]

A letter, from Richard W. Stockton and others, prisoners in Carlisle gaol, and a letter, of the 22d, from the committee of Carlisle, with one enclosed from Dr. John Kearsley, were read, representing the uncomfortableness of the gaol, on account of the windows not being glazed;[3] Whereupon,

Resolved, That the president write to the committee of Carlisle, and request them to apply to the commissioners of the county, and desire them to have the gaol made as comfortable as circumstances will admit, for the accommodation of the prisoners.

Congress resumed the consideration of the 14 article of confederation ||respecting the powers of Congress;|| Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 453.

[2] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, IV, folio 9. It has the following memorandum in the writing of Charles Thomson: "The law meaning of quorum I have always understood to [be] when the King appoints several persons to constitute a court, but distinguishes one or more by say[ing] that he shall be one necessary to constitute the court."

[3] The letter from the Carlisle committee is in the *Papers of the Continental Congress*, No. 78, XV, folio 273.

It was moved to strike out "coining money and regulating the value thereof," and insert, "regulating the alloy and value of coin struck by their own authority, or by that of the respective states:" and on the question put, resolved in the affirmative.

Resolved, That the farther consideration of the articles of confederation, be postponed to Monday.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

MONDAY, OCTOBER 27, 1777

Prayers.

The committee appointed to consider the letter from the hon^ble^ Stephen Hopkins, Esq^r^ and the proceedings of the committees from New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut and New York, and for other purposes mentioned in a resolution of Congress of the 10 September last, brought in a report, which was read:

Ordered, To lie on the table.

A letter, of the 24, from General Washington, enclosing copy of a letter from Commodore Hazlewood dated 23; one, of the 23, from Samuel Ward, at Red Bank and of one, of the same date from Robert Ballard, were read:[1]

Ordered, That the same be referred to the Committee of Intelligence.

Congress resumed the consideration of the 14th article of confederation, ||respecting the powers of Congress;|| Whereon it was moved to strike out ||these words,|| "deciding all disputes and differences now subsisting or that hereafter may arise between two or more states concern-

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 147. It is printed in *Writings of Washington* (Ford), VI, 136.

ing boundaries, jurisdictions, or any other cause whatever," and insert instead thereof "the United States in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following; whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but, if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall in the presence of Congress be drawn out by lot; and the persons whose names shall be so drawn, or any five or them, shall be commissioners or judges to hear and finally determine the controversy; so always as a major part of the judges who shall hear the cause shall agree in the determination: And if either party shall neglect to attend, at the day appointed, without shewing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the secretary of Congress shall do it in behalf of such party, and the judgment and sentence of the court to be appointed in the manner before prescribed shall be final and conclusive;

and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall, in like manner, be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress and lodged among the acts of Congress, for the security of the parties concerned; provided that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, well and truly to hear and determine the matter in question according to the best of his judgment, without favour, affection, or hope of reward; provided, also, that no State shall be deprived of territory for the benefit of the United States.'' And the yeas and nays being required:

New Hampshire,			*New Jersey*,		
Mr. Folsom,	no	no	Mr. Witherspoon,	no	div.
Massachusetts Bay,			Elmer,	ay	
Mr. S. Adams,	ay	ay	*Pennsylvania*,		
J. Adams,	ay		Mr. Roberdeau,	ay	ay
Gerry,	ay		*Virginia*,		
Rhode Island,			Mr. Jones,	ay	ay
Mr. Marchant,	ay	ay	R. H. Lee,	ay	
Connecticut,			F. L. Lee,	ay	
Mr. Dyer,	—		Harvie,	ay	
Law,	no		*North Carolina*,		
Williams,	—		Mr. Penn,	ay	ay
New York,			Harnett,	ay	
Mr. Duane,	ay	ay	*South Carolina*,		
Duer,	ay		Mr. Heyward,	ay	div.
			Laurens,	no	

So it was resolved in the affirmative.[1]

Adjourned to 4 o'Clock.

[1] A copy of the proceedings on the Articles of Confederation is in the *Papers of the Continental Congress*, No. 47, folio 48.

FOUR O'CLOCK, P. M.

Met.

Congress resumed the consideration of the 14 article of the confederation ||last under debate.||

It was moved to strike out in the 19 and 20 lines "not members of any of the states," and insert "not residing within the limits of any of the United States;" to this an amendment was moved to strike out the whole paragraph and insert, "managing all affairs relative to war and peace with all Indians not members of any particular State, and regulating the trade with such nations and tribes as are not resident within such limits wherein a particular State claims, and actually exercises jurisdiction:" after debate,

Resolved, That the farther consideration thereof be postponed till to morrow.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

TUESDAY, OCTOBER 28, 1777

Prayers.

Congress resumed the consideration of the 14 article of confederation, and, the amendments moved, and after ~~a considerable~~ debate adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Robert Jewell, for maintaining prisoners in the Philadelphia new gaol, from the 19 August to the 24 September, for the salary due him and his two assist-

ants, for mending a pump, for candles, &c. the sum of 933 37/90 dollars.[1]

A petition from Henry Watts, and a memorial from the Chevalier Dorset, were read:[2]

Ordered, That the former be referred to the Board of War, and the latter to the Committee on Foreign Applications.

Congress resumed the consideration of the articles of confederation, and instead of the two former amendments, it was moved to add to the paragraph as reported these words, "provided, that the legislative right of any State, within its own limits be not infringed or violated." The question being put on this amendment, the same was agreed to.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, OCTOBER 29, 1777

Prayers.

A petition from Mons. le Brun, was read, praying that the president would grant him a certificate to verify the death of the late Mons. Charles Tronson du Coudray, brigadier, colonel, and adjutant general of artillery in France, born in Rheims, in the province of Champeigne, which happened the fifteenth day of September, 1777, and representing that such a certificate is necessary for his family, and that he would wish to have it triple, in order to send it to his brother by different ways:[3] Whereupon,

Ordered, That the prayer of the petition be granted.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 455.

[2] The memorial of Dorset is in the *Papers of the Continental Congress*, No. 41, II, folio 424.

[3] This petition, dated October 22, is in the *Papers of the Continental Congress*, No. 78, II, folio 289.

Congress resumed the consideration of the 14 article of confederation, whereon it was moved to strike out the words "general officers" in the 24 line, and insert "all officers:" and to add after "United States," "excepting regimental officers." And on the question put, the same was agreed to.

It was then moved to strike out the next paragraph, and in the following paragraph, after the word "forces" to insert these words, "and commissioning all officers whatever." And on the question put, the same was agreed to.

The president having taken leave of Congress.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

Resolved, That the secretary officiate as president until a new choice is made.

On motion, *Ordered*, That the secretary wait upon the president and request him to furnish the house with a copy of the speech with which he took leave of Congress.

Congress resumed the consideration of the 14 article of confederation, and after some time spent thereon.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, OCTOBER 30, 1777

Prayers.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That there be advanced to Stevens Thomson Mason, Esq[r] appointed deputy commissary for the prisoners of war in Virginia, two thousand dollars, for the maintenance of the said prisoners, and for which he is to be accountable; and that a copy of this order, signed by

the secretary, be a sufficient voucher to the treasurer to pay this sum.[1]

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the government of the State of Connecticut be requested to permit the workmen at Salisbury iron works to cast mortars for continental use of such calibres, and in such numbers, as shall be directed by Brigadier General Knox, and that he be informed of this resolution, and desired to write to Governor Trumbull on the subject:

That a letter be written by the Board of War to the government of the State of New York, representing, in the strongest terms, the great want of lead, the absolute necessity there is for providing seasonable resources of that article: that it be therefore earnestly recommended to the said government forthwith to take measures for having the lead mines in that State worked; and that, in case a sufficient number of labourers cannot be procured for that purpose, the commissary general of prisoners be directed to furnish a competent number of prisoners of war for that end.[2]

Resolved, That William Feltman, second lieutenant in Captain Weaver's independent company, be advanced to the rank of first lieutenant:

That Ensign Bachenstone be promoted to the rank of second lieutenant; and

That Joseph Bank be appointed an ensign in the said company.[3]

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 136, I, folio 425.

[2] These paragraphs were in two reports of the Board, dated October 28 and 29, in *Papers of the Continental Congress*, No. 147, I, folios 375 and 377.

[3] These promotions were made on a report from the Board of War, dated October 24, in the *Papers of the Continental Congress*, No. 147, I, folio 373. The report had the following note: "An Officer is Waiting in Town for the Confirmation of the above promotions, by Congress, and for the Commissions."

Congress resumed the consideration of the 14 article of confederation, whereon it was moved in the 2d l. 4 p. to strike out "council of state, and such"[1] and insert "a committee to sit in the recess of Congress, to consist of one delegate from each State, and to appoint such other," and then to strike out what follows "direction" to the end of the paragraph, and on the question put,

Resolved in the affirmative.

A motion was then made [on] the first part of the next paragraph, when, at the desire of a State, the consideration thereof was postponed.

It was then moved to strike out "and a suitable person for a secretary," ||and read "to appoint one of their number to preside:"|| and after the word "year" in the 8 line to insert, "so that no period of adjournment be for a longer duration than the space of six months."

In the 9 line to strike out "agree on and fix" and assert "ascertain," and after "sums" to strike out "and expences," and insert, "of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expences:"

in the 11 line after "States" to add, "transmitting every half year to the respective states an account of the money so borrowed or emitted."

in the 16 line after "and," to insert "cloath."

in the 17 l, after "manner," to insert "at the expence of the united states."

in the 18 l. after "so," to insert "cloathed."

in the 27 l. after "officered," to insert "cloathed."

in the 32 l. before "arm," to insert "cloath."

in the 34 l. before "armed," to insert "cloathed."

in the 39 l. to strike out "except for peace."

And the questions being severally put thereon,

Resolved in the affirmative.

[1] Some words necessary to clearness were omitted by Thomson.

It was then moved after "same" in the 47 l. to insert "provided that the nine states so assenting shall comprehend a majority of the people of the united states excluding negroes and indians, for which purpose a true account of the number of free people in each State shall be triennially taken and transmitted to the assembly of the united states." And the yeas and nays being required:

New Hampshire,			*Pennsylvania*,		
Mr. Folsom,	no	no	Mr. Roberdeau,	no	no
Massachusetts Bay,			*Maryland*,		
Mr. S. Adams,	ay		Mr. Smith,	ay	*
J. Adams,	no	no	*Virginia*,		
Gerry,	no		Mr. Jones,	ay	
Lovell,	no		R. H. Lee,	ay	ay
Rhode Island,			F. L. Lee,	ay	
Mr. Marchant,	no	no	Harvie,	ay	
Connecticut,			*North Carolina*,		
Mr. Dyer,	no		Mr. Penn,	no	
Law,	no	no	Harnett,	no	no
Williams,	no		*South Carolina*,		
New York,			Mr. Heyward,	no	
Mr. Duane,	no		Laurens,	no	no
Duer,	no	no			
New Jersey,					
Mr. Witherspoon,	no				
Elmer,	no	no			

So it passed in the negative.

It was then moved after "kind" in the 8 l. to strike out "shall be capable of being a delegate."

And in the 6 l. after "person" to insert "being a delegate shall be capable of."

On the question put,

Resolved in the affirmative.

And the question being put on the several paragraphs as amended, the same were agreed to.

The next paragraph was divided, and the question being put on the first part,

Resolved in the affirmative.

It was moved to amend the second part:

In the 14 l. 5 p. after "question," to insert "except on a previous question."

In the 16 line to strike out "delegate" and insert "state;" and the question being severally put,

Passed in the negative.

The yeas and nays being required, and the question put on the second part as reported:

New Hampshire,			*New Jersey*,		
Mr. Folsom,	ay	ay	Mr. Witherspoon,	ay	ay
Massachusetts Bay,			Elmer,	ay	
Mr. S. Adams,	ay		*Pennsylvania*,		
J. Adams,	ay	ay	Mr. Roberdeau,	ay	ay
Gerry,	ay		*Maryland*,		
Lovell,	ay		Mr. Smith,	ay	*
Rhode Island,			*Virginia*,		
Mr. Marchant,	no	no	Mr. Jones,	ay	
Connecticut,			R. H. Lee,	ay	ay
Mr. Dyer,	—		F. L. Lee,	no	
Law,	ay		Harvie,	ay	
Williams,	—		*North Carolina*,		
New York,			Mr. Penn,	ay	ay
Mr. Duane,	ay	ay	Harnett,	ay	
Duer,	ay		*South Carolina*,		
			Mr. Heyward,	ay	div.
			Laurens,	no	

So it was resolved in the affirmative.

The question being put on the third and last part of the paragraph,

Resolved in the affirmative.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

FRIDAY, OCTOBER 31, 1777

Prayers.

A letter, of the 18 October, from General Gates, with the copy of the convention at Saratoga, ~~whereby General Burgoyne surrenders himself and his whole army;~~ and another, of the 20th, enclosing the copy of a letter from him to Major General John Vaughan, were read:[1]

Ordered, That the letters from General Gates, with the papers enclosed, be referred to the Board of War, and that the Committee of Intelligence publish the convention.

Resolved, That a committee of three be appointed to prepare a recommendation to the several states, to set apart a day of thanksgiving, for the signal success, lately obtained over the enemies of these United States:

The members chosen, Mr. S[amuel] Adams, Mr. R[ichard] H[enry] Lee, and Mr. [Daniel] Roberdeau.

A letter from Robert Towers, to Mr. Roberdeau, was laid before Congress and read:

Ordered, That it be referred to the Board of War.

Ordered, That Colonel Wilkinson, who brought the despatches from General Gates, be directed to attend [Congress]:

Colonel Wilkinson attending, was admitted, and having informed Congress that he had sundry papers to lay before Congress as soon as he could have time to digest and arrange them, and having answers to sundry questions relative to the situation of our army, and those of the enemy, before, at the time of, and since the capitulation of General Burgoyne, he withdrew.

Ordered, That an express be immediately despatched to General Washington, with a copy of General Gates's letter to Congress, and the enclosed capitulation.

Adjourned to 4 o'Clock.

[1] The letter of the 18th is in the *Papers of the Continental Congress*, No. 154, I, folio 278.

||Four o'Clock, p. m.||

The Committee on the Treasury brought in a report, which was taken into consideration: Whereupon,

Ordered, That there be paid to William Buchanan, Esq[r] commissary general of purchases, one hundred thousand dollars, for the use of his department, and for which he is to be accountable; and that a copy of this order, certified by the secretary and passed at the Treasury Board, be a sufficient voucher for the payment of the said money.[1]

Ordered, That the speech with which Mr. [John] Hancock took leave of Congress, be entered on the journal, which is as follows:

Gentlemen: Friday last compleated two years and five months since you did me the honour of electing me to fill this chair. As I could never flatter myself your choice proceeded from any idea of my abilities, but rather from a partial opinion of my attachment to the liberties of America, I felt myself under the strongest obligations to discharge the duties of the office, and I accepted the appointment with the firmest resolution to go through the business annexed to it in the best manner I was able. Every argument conspired to make me exert myself, and I endeavoured, by industry and attention, to make up for every other deficiency.

As to my conduct, both in and out of Congress, in the execution of your business, it is improper for me to say any thing. You are the best judges. But I think I shall be forgiven if I say I have spared no pains, expence, or labour, to gratify your wishes, and to accomplish the views of Congress.

My health being much impaired, I find some relaxation absolutely necessary, after such constant application; I must therefore request your indulgence for leave of absence for two months.

But I cannot take my departure, gentlemen, without expressing my thanks for the civility and politeness I have experienced from you. It is impossible to mention this without a heartfelt pleasure.

If, in the course of so long a period as I have had the honour to fill this chair, any expressions may have dropped from me that may have

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 136, I, folio 457.

given the least offence to any member, as it was not intentional, so I hope his candor will pass it over.

May every happiness, gentlemen, attend you, both as members of this house and as individuals; and I pray heaven, that unanimity and perseverance may go hand in hand in this house; and that every thing which may tend to distract or divide your councils be forever banished.

It was then moved, that the thanks of Congress be presented to John Hancock, Esq[r] for the unremitted attention and steady impartiality which he has manifested in discharge of the various duties of his office, as president, since his election to the chair on the 24th day of May, 1775.

After debate it was moved, that the consideration of this motion be postponed, till the sense of Congress be taken on a general proposition, and on the question put,

Resolved in the affirmative.

It was then moved to resolve, as the opinion of this Congress, that it is improper to thank any president for the discharge of the duties of that office;

And the yeas and nays being required:

New Hampshire,			*New Jersey*,		
Mr. Folsom,	ay	ay	Mr. Elmer,	—	
Massachusetts Bay,			*Pennsylvania*,		
Mr. S. Adams,	ay	ay	Mr. Roberdeau,	ay	ay
J. Adams,	ay		*Maryland*,		
Gerry,	ay		Mr. Smith,	no	*
Lovell,	ay		*Virginia*,		
Rhode Island,			Mr. Jones,	no	no
Mr. Marchant,	ay	ay	R. H. Lee,	ay	
Connecticut,			F. L. Lee,	no	
Mr. Dyer,	no	no	Harvie,	no	
Law,	no		*North Carolina*,		
Williams,	no		Mr. Penn,	no	no
New York,			Harnett,	no	
Mr. Duane,	no	no	*South Carolina*,		
Duer,	no		Mr. Heyward,	no	div.
			Laurens,	ay	

So the states were equally divided.

The question being then put on the first motion, and the yeas and nays required:

New Hampshire,			
Mr. Folsom,	no	no	
Massachusetts Bay,			
Mr. S. Adams,	no	no	
J. Adams,	no		
Gerry,	no		
Lovell,	no		
Rhode Island,			
Mr. Marchant,	no	no	
Connecticut,			
Mr. Dyer,	ay	ay	
Law,	ay		
Williams,	ay		
New York,			
Mr. Duane,	ay	ay	
Duer,	ay		
New Jersey,			
Mr. Elmer,	ay	ay	
Pennsylvania,			
Mr. Roberdeau,	no	no	
Maryland,			
Mr. Smith,	ay	*	
Virginia,			
Mr. Jones,	ay	ay	
R. H. Lee,	no		
F. L. Lee,	ay		
Harvie,	ay		
North Carolina,			
Mr. Penn,	ay	ay	
Harnett,	ay		
South Carolina,			
Mr. Heyward,	ay	ay	
Laurens,	ay		

So it was resolved in the affirmative.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 1, 1777

Mr. [William] Clingan, a delegate from Pensylvania, attended and took his seat.

Congress proceeded to the choice of a president; and, the ballots being taken,

The Hon^ble^ Henry Laurens was elected.[1]

The committee appointed to prepare a recommendation to these states, to set apart a day of thanksgiving, brought in a report; which was agreed to as follows:

Forasmuch as it is the indispensable duty of all men to adore the superintending providence of Almighty God; to acknowledge with

[1] Roberdeau wrote: "Henry Laurens, Vice President of South Carolina, a worthy, sensible, indefatigable Gentleman, was this day chosen by a unanimous vote, except his own, President of Congress." *Pennsylvania Archives*, First Series, V, 735.

gratitude their obligation to him for benefits received, and to implore such farther blessings as they stand in need of; and it having pleased him in his abundant mercy not only to continue to us the innumerable bounties of his common providence, but also to smile upon us in the prosecution of a just and necessary war, for the defence and establishment of our unalienable rights and liberties; particularly in that he hath been pleased in so great a measure to prosper the means used for the support of our troops and to crown our arms with most signal success: It is therefore recommended to the legislative or executive powers of these United States, to set apart Thursday, the eighteenth day of December next, for solemn thanksgiving and praise; that with one heart[1] and one voice the good people may express the grateful feelings of their hearts, and consecrate themselves to the service of their divine benefactor; and that together with their sincere acknowledgments and offerings, they may join the penitent confession of their manifold sins, whereby they had forfeited every favour, and their humble and earnest supplication that it may please God, through the merits of Jesus Christ, mercifully to forgive and blot them out of remembrance; that it may please him graciously to afford his blessing on the governments of these states respectively, and prosper the public council of the whole; to inspire our commanders both by land and sea, and all under them, with that wisdom and fortitude which may render them fit instruments, under the providence of Almighty God, to secure for these United States the greatest of all human blessings, independence and peace; that it may please him to prosper the trade and manufactures of the people and the labour of the husbandman, that our land may yet yield its increase; to take schools and seminaries of education, so necessary for cultivating the principles of true liberty, virtue and piety, under his nurturing hand, and to prosper the means of religion for the promotion and enlargement of that kingdom which consisteth "in righteousness, peace and joy in the Holy Ghost."

And it is further recommended, that servile labour, and such recreation as, though at other times innocent, may be unbecoming the purpose of this appointment, be omitted on so solemn an occasion.[2]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

[1] The original read: "That at one time and with one voice."

[2] This report, in the writing of Samuel Adams, is in the *Papers of the Continental Congress*, No. 24, folio 431.

MONDAY, NOVEMBER 3, 1777

Prayers.

A letter, of the 24 October, from R. Bache; one, of the 20th of the same month, from Governor Trumbull, enclosing a resolution passed in the house of assembly of Connecticut, 11 of the same month; one, of the 25 of the same month, from General Sullivan, with sundry papers enclosed, were read:[1]

Ordered, That the president return an answer to Major General Sullivan, and enclose him a copy of the resolution passed the 20th October last:[2]

That the letter from Governor Trumbull, with the papers enclosed, be referred to the committee appointed to confer with the commissary general of purchases, and that they be directed to confer farther with the commissary general on the subject, and bring in a report this afternoon:

That the letter from Mr. Bache be referred to the Board of Treasury.

Ordered, That Colonel Wilkinson be admitted to lay before Congress ||this afternoon|| sundry papers relative to the affairs in the northern department.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

According to order, Colonel Wilkinson attended and delivered a message from General Gates, in the words following:

I have it in charge from Major General Gates to represent to the hon^ble^ the Congress, that Lieutenant General Burgoyne, at the time he

[1] The letter of Bache is in the *Papers of the Continental Congress*, No. 61, folio 5; that of Trumbull, in No. 66, I, folio 349.

[2] See note under October 20, 1777, *ante*.

capitulated, was strongly entrenched on a formidable post, with twelve days' provision; that the reduction of Fort Montgomery, and the enemy's consequent progress up the Hudson's river, endangered our arsenal at Albany, a reflection which left General Gates no time to contest the capitulation with Lieutenant General Burgoyne, but induced the necessity of immediately closing with his proposals, hazarding a disadvantageous attack, or retiring from his position for the security of our magazine; this delicate situation abridged our conquests, and procured Lieutenant General Burgoyne the terms he enjoys. Had our attack been carried against Lieutenant General Burgoyne, the dismemberment of our army must necessarily have been such as would have incapacitated it from further action. With an army in health, vigour, and spirits, Major General Gates now waits the commands of the hon^ble^ Congress.[1]

He then laid before Congress sundry original papers, relative to the convention, which were read, viz.

No. 1. A message from Lieutenant General Burgoyne to Major General Gates, with General Gates's answer, the 13 October, 1777:

2. A message from Lieutenant General Burgoyne to Major General Gates, October 14, 1777:

3. Another message accompanying the former:

4. General Gates's proposals to General Burgoyne, with General Burgoyne's answer:

5. A message from General Burgoyne to General Gates:

6. General Burgoyne's proposals, and General Gates's answer:

7. Message from General Burgoyne to General Gates, October 15:

8. Another message from General Burgoyne to General Gates, October 16:

9. Message from General Gates to General Burgoyne:

10. Return of General Burgoyne's army, which surrendered:

[1] The original, in the writing of Wilkinson, is in the *Papers of the Continental Congress*, No. 57, folio 23.

11. Return of ordnance, &c. taken and surrendered:

12. Articles of convention:

13. General Gates's explanation to include General Burgoyne in the convention:[1]

After which Colonel Wilkinson withdrew.

The committee to whom was referred the letter from Governor Trumbull, with the enclosed resolution of the general assembly of Connecticut, brought in a report, which was read and considered; Whereupon,

Resolved, That a copy of the resolutions of Congress of the 4th of October last, relative to the department of the purchasing and issuing commissaries, be forthwith transmitted by express to the governor and council of safety of Connecticut, who are authorized and requested to appoint a deputy commissary general of purchases, and a deputy commissary general of issues for the eastern district, provided the appointments of Congress to the respective offices aforesaid are not accepted, and General Putnam has not made such appointments, agreeable to the powers given him by the resolution last mentioned, or that the officers so appointed should appear to the said governor and council incompetent to the business:

That a copy of the preceding resolution be transmitted by the express aforesaid to Major General Putnam, who is directed to inform his excellency Governor Trumbull of his conduct relative to the premises, and to direct the officers who may have accepted the appointments aforesaid, forthwith to apply to the governor and council of safety for instructions, and that General Putnam cease to proceed further in the business aforesaid:

[1] Some of these papers, in the writing of Charles Thomson, are in the *Papers of the Continental Congress*, No. 57, folio 96. A list of twelve of the papers, and some notes evidently of Wilkinson's testimony, in the writing of Charles Thomson, is in No. 59, II, folio 69.

That a duplicate warrant for two hundred thousand dollars, on the loan office of the State of New York, be issued by the president in favour of William Buchanan, Esq[r] commissary general of purchases, to serve, in case a warrant of the 10th of October last, drawn for the same sum in favour of him on the loan office aforesaid, by the hon. John Hancock, Esq[r] late president of Congress, in pursuance of a resolve of Congress of the said 10 day of October, should have miscarried; and that the commissary general of purchases be directed to transmit the same to the governor and council of Connecticut for the deputy commissary general of purchases of the eastern district:

That the governor and council aforesaid be requested to afford such assistance to the officers in the purchasing and issuing departments of the eastern district, as shall be requisite for obtaining the necessary supplies of provisions for the army, and furnishing them therewith, and that they be farther requested to advance such supplies of money as may be immediately wanted by the deputy commissary general of purchases aforesaid, and take his order therefor on the commissary general of purchases.[1]

A motion being made for directing the future operations of General Gates:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. J[ohn] Adams and Mr. [Elbridge] Gerry.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 20, I, folio 253.

TUESDAY, NOVEMBER 4, 1777

The Marine Committee brought in a report, which was read:

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue in favour of Thomas White, for five hundred dollars, in discharge of John Ashe, provincial treasurer of North Carolina, his following drafts on the continental treasurer, in favour of the said T. White, expressed for the service of the United States, for which sum the said State is to be accountable, and is to be considered as part of the five hundred thousand dollars heretofore appropriated for the use of the said State, viz. one dated 9 May, for 100 dollars, one, dated 10 May, for 100 dollars, and one dated 11 May, for 300 dollars.

Ordered, That a warrant issue in favour of Robert Morris, Esq^{r} for the sum of 12,221$\frac{1}{3}$ dollars, being for the payment of ninety-five barrels of powder and one hundred muskets purchased of him by the order of the Board of War and Ordnance:

Ordered, That a warrant issue in favour of Richard Bache, Esq^{r} post master general, to be paid to James Bryson, one of the surveyors of the post office, the sum of three thousand dollars, for the use of the post master general's department, who is to be accountable:

Ordered, That a warrant issue in favour of Colonel Nathaniel Gist, to be paid to Lieutenant Francis Nure, of Captain Joseph Smith's company, of the said regiment, and for the use thereof, the sum of 350 dollars, the said Colonel Gist to be accountable.

Ordered, That a warrant for two hundred dollars issue in favour of Colonel Josias Carvil Hall, to be paid to Captain John Sulman, of his regiment, for the use of a party under his command, the said Colonel Hall to be accountable.[1]

A letter, from Colonel Sheldon, of the 25 October, with sundry papers enclosed, was laid before Congress:

Ordered, That the same be referred to the Board of War.

Resolved, That his excellency Governor Caswell of North Carolina, be requested to erect a monument of the value of 500 dollars, at the expence of these United States, in honor of the memory of Brigadier General Francis Nash, who fell in the battle of Germantown, on the 4 day of October, 1777, bravely contending for the independence of his country.

Resolved, That the thanks of Congress, in their own name, and in behalf of the inhabitants of the thirteen United States, be presented to Major General Gates, commander in chief in the northern department, and to Majors General Lincoln and Arnold, and the rest of the officers and troops under his command, for their brave and successful efforts in support of the independence of their country, whereby an army of the enemy of 10,000 men has been totally defeated, one large detachment of it, strongly posted and entrenched, having been conquered at Bennington, another repulsed with loss and disgrace from Fort Schuyler, and the main army of six thousand men, under Lieutenant General Burgoyne, after being beaten in different actions and driven from a formidable post, and strong entrenchments, reduced to the necessity of surrendering themselves upon terms honourable and

[1]This report is in the *Papers of the Continental Congress*, No. 136, I, folio 459.

advantageous to these states, on the 17 day of October last, to Major General Gates; and that a medal of gold be struck under the direction of the Board of War, in commemoration of this great event, and in the name of these United States, presented by the president to Major General Gates.

Resolved, That Congress have an high sense of the merit of Colonel Green, and the officers and men under his command, in their late gallant defence of the fort at Red Bank, on Delaware river; and that an elegant sword be provided by the Board of War, and presented to Colonel Green.

Resolved, That Congress have a high sense of the merit of Lieutenant Colonel Smith, and the officers and men under his command, in their late gallant defence of Fort Mifflin, on the river Delaware; and that an elegant sword be provided by the Board of War, and presented to Lieutenant Colonel Smith.

Resolved, That Congress have an high sense of the merit of Commodore Hazlewood, the commander of the naval force in Delaware river, in the service of the commonwealth of Pensylvania, and of the officers and men under his command, in their late gallant defence of their country against the British fleet, whereby two of their men of war were destroyed, and four others compelled to retire; and that an elegant sword be provided by the Marine Committee, and presented to Commodore Hazlewood.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

The proceedings of a general court martial, held at the German Flats, August 20, 1777, by order of Major Gen-

eral Arnold, on the trial of Walter Butler, an ensign in the king's or 8th regiment, being transmitted to Congress:

Ordered, That it be referred to the Board of War.

The committee to whom was referred the motion for directing the future operations of the army under the command of General Gates, brought in a report, which was taken into consideration; and, after debate,

~~Resolved, That General Gates be directed to make a proper disposition of the army under his command for reducing forthwith the posts of the enemy on the North or Hudson's River, keeping in mind the importance of regaining the possession of Ticonderoga and Mount Independence, at such time as he shall judge most convenient.~~

Resolved, That it be re-committed, and that Mr. [William] Duer be added to the committee.

A letter, of the 3d, from the president of the council of Pensylvania, was read:[1]

Ordered, That it be referred to the Board of War.

The Marine Committee reported, "that they have received a letter from the navy board at Bordentown, dated the 27 October last, informing them of orders given by General Washington to scuttle the frigates in the river Delaware, in order to prevent their falling into the hands of the enemy, and that having taken the same into consideration, they are of opinion, that the frigates should be lightened as much as possible, and either run into some adjacent creek or hauled as high upon shore as may be without ballast, and a battery constructed with the guns of the *Washington* on the most convenient ground, to cover the frigates from the enemy; that the frigates should be charged properly with combustibles, and a careful watch employed under a vigilant officer to

[1] This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 429. It is printed in *Pennsylvania Archives*, First Series, V, 738.

burn them rather than let them fall into the hands of the enemy; and lest this should fail, that a sufficient number of small craft should be sunk in the channel below the frigates, effectually to obstruct the enemy from moving them down the river, if they should happen to gain possession of them; and a battery constructed in the most convenient manner to cover the obstructions and prevent the enemy from removing them; that all the vessels, of whatever kind, should be run up as high above the batteries and obstructions aforesaid as possible, and the most effectual precautions taken immediately on the approach of the enemy;" Whereupon,

Ordered, That a copy of the said report be sent to General Washington for his approbation, and if he approve the same, that a detachment of troops be sent to assist in the construction and management of the batteries aforesaid.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 5, 1777

A letter from Monsieur de la Balme, was read:[1]

Ordered, That it be referred to the Board of Treasury.

The Board of War brought in a report, which was read:

Ordered, That the consideration thereof be postponed.

The committee to whom was re-committed the report for directing the future operations of the army under the command of General Gates, brought in a report, which was taken into consideration; Whereupon,

[1]This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 143.

Resolved, That General Washington be informed that it is the earnest wish of Congress to regain the possession of the forts and passes of the North or Hudson's river, and to secure the communication thereof; and for that purpose, that General Gates should remain in command in that quarter; and that General Putnam be called upon to join the main army with such a detachment from the army under the command of General Gates, as General Washington may think can be spared, not exceeding the number of two thousand five hundred men, including Colonel Morgan's corps:

That a copy of the foregoing resolution be sent to General Gates, and that he be directed to make a proper disposition of the army under his command for reducing, forthwith, the posts of the enemy on the North river, and that he order such of the continental troops and militia, in the service of the United States, as are posted on or near the said river, to join him for the services aforementioned:

That General Gates be empowered to apply to the respective states of Massachusetts bay, Connecticut, New York and New Jersey, for such a number of their militia as he shall judge necessary to maintain the posts which he shall order to be taken on the said river, to the end that his army may be in readiness to pursue such operations as Congress shall direct; and that the said militia be inlisted to serve until the fifteenth day of March next, unless sooner discharged by Congress or the commander in chief:

That General Washington be directed to order one or more able engineers to the North river, to attend the army under the command of General Gates:

That General Gates be empowered to order such a

number of gallies, gunboats, fire-rafts, chains, cassoons, and chevaux-de-frize to be provided, and such fortifications to be erected, for obstructing and keeping possession of the North River, as he shall judge necessary:

That the governor and council of the State of New York be furnished with a copy of these resolutions, and requested to appoint a committee of three active and judicious persons, to assist General Gates in obtaining such artificers and materials for accomplishing these purposes as he shall direct; and the said committee are empowered to apply to the several states of New Hampshire, Massachusetts bay, Rhode Island, Connecticut, New York and New Jersey, for their assistance, who are requested to afford the same by furnishing the said committee with such artificers and materials as they, by direction of General Gates, shall apply for; and the said states are respectively requested to furnish such a number of men as General Gates shall require, to accomplish the important and salutary purpose of maintaining the communication between the northern and southern states, by keeping possession of the North river:

That General Gates be authorized and directed to apply to the State of New York, and the states eastward of North River, for such aids as he shall judge necessary for the reduction of Ticonderoga and Fort Independence, if not reduced by General Stark, at such time as he shall deem best adapted for that expedition; and that the said states be requested to supply General Gates with such a number of their militia as he shall judge necessary for the purposes intended:

That General Gates be directed to take effectual care that the fortifications which shall be erected on the North river be not too extensive, and that each be compleated

with a well, magazines, barracks, bomb-casements, &c. sufficient for a determined defence:

That if General Washington, after consulting with General Gates and Governor G. Clinton, shall be of opinion, that a reinforcement exceeding the number above-mentioned can be detached to the main army, consistent with the attainment of the objects specified in the preceding resolutions, in such case he be directed to order such further reinforcements to the main army as may be thought conducive to the general welfare, any thing in the preceding resolutions to the contrary notwithstanding.

In debating the last resolution, it was moved after "directed" to insert "with their concurrence;" and the yeas and nays being required:

New Hampshire,			*Pensylvania*,		
Mr. Folsom,	no	no	Mr. Morris,	no	
Massachusetts Bay,			Roberdeau,	no	no
Mr. S. Adams,	ay		Clingan,	no	
J. Adams,	ay	ay	*Maryland*,		
Gerry,	ay		Mr. Smith,	no	
Lovell,	no		Rumsey,	no	no
Rhode Island,			*Virginia*,		
Mr. Marchant,	ay	ay	Mr. Jones,	no	
Connecticut,			F. L. Lee,	no	no
Mr. Dyer,	ay		Harvie,	no	
Law,	no	no	*North Carolina*,		
Williams,	no		Mr. Penn,	no	
New York,			Harnett,	no	no
Mr. Duane,	no		*South Carolina*,		
Duer,	no	no	Mr. Laurens,	no	no
New Jersey,					
Mr. Elmer,	no	no			

So it passed in the negative.

The question being put on the resolution, and the yeas and nays required;

New Hampshire,			*Pensylvania*,		
Mr. Folsom,	ay	ay	Mr. Morris,	ay	ay
Massachusetts Bay,			Roberdeau,	no	
Mr. S. Adams,	no	div.	Clingan,	ay	
J. Adams,	ay		*Maryland*,		
Gerry,	no		Mr. Smith,	ay	ay
Lovell,	ay		Rumsey,	ay	
Rhode Island,			*Virginia*,		
Mr. Marchant,	no	no	Mr. Jones,	ay	ay
Connecticut,			F. L. Lee,	ay	
Mr. Dyer,	no	ay	Harvie,	ay	
Law,	ay		*North Carolina*,		
Williams,	ay		Mr. Penn,	ay	ay
New York,			Harnett,	ay	
Mr. Duane,	ay	ay	*South Carolina*,		
Duer,	ay		Mr. Laurens,	ay	ay
New Jersey,					
Mr. Elmer,	ay	ay			

||So it was resolved in the affirmative.||

The Board of Treasury brought in a report: Whereupon,

Ordered, That there be paid to John Conner, late a fifer in the invalid regiment, 14 60/90 dollars, for two month's pay due to him before his being discharged, as per Colonel Lewis Nicola's certificate, the said sum to be charged to the colonel:

Ordered, That a warrant issue on the treasurer in favour of William Buchanan, Esq[r] commissary general of purchases, for fifty-two thousand dollars, for the use of his department; he to be accountable:

Ordered, That a warrant issue on the treasurer, in favour of Belcher P. Smith, for 205 48/90 dollars, being for his services as a clerk in the secretary's office, from 1 July to 5 November, and for sundry contingent expences:

Ordered, That a warrant issue on Joseph Borden, Esq[r]

commissioner of the continental loan office in the State of New Jersey, in favour of the continental navy board, for forty thousand dollars, for the use of the navy department, the said board to be accountable:

Ordered, That a warrant issue in favour of the delegates for the State of North Carolina, for the use of that State, for one thousand dollars, it being advanced on application of the hon^ble^ Cornelius Harnett, Esq^r^ the said State to be accountable, and the money to be considered as part of the five hundred thousand dollars appropriated for the use of that State:

Ordered, That a warrant issue in favour of Abraham Clark, Esq^r^ to be delivered to Doctr. [Jonathan] Elmer, for 205 30/90 dollars, it being the amount of eleven barrels of pork he paid for in New Jersey, which were delivered to Captain Francis Wade, who was directed to purchase provisions in that State, the said F. Wade to be accountable.[1]

At a Board of War, *Nov. 5, 1777.*

Agreed to report to Congress,

That Elisha Sheldon, Esq, have a Commission of Colonel of Horse dated the 12th Day of December, 1776, and that General Washington be desired to commissionate the Officers of Colonel Sheldon's Regiment as speedily as possible according to the Rules established as to the relative Rank of Officers.[2]

That General Washington be directed immediately to settle the relative ranks of the officers of the cavalry and to issue their commissions accordingly; and that he be furnished with copies of the several resolutions of Congress on that subject.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 461. The last paragraph providing for an emission of bills of credit is printed under November 7, 1777, *post.*

[2] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 379. The paragraph was struck out, and the second paragraph was added by Charles Thomson.

THURSDAY, NOVEMBER 6, 1777

A letter, of the 1, continued to the 3d, from General Washington, with sundry papers enclosed, was read:[1]

Ordered, That the recommendation in favour of Mons. de Vrigny, being one of the papers enclosed in the General's letter, be referred to the Committee on Foreign Applications:

Ordered, That the General's letter, with the other papers enclosed, be referred to the Board of War.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That Colonel James Wilkinson, adjutant general in the northern army, in consideration of his services in that department, and being strongly recommended by General Gates as a gallant officer, and a promising military genius, and having brought the despatches to Congress, giving an account of the surrender of Lieutenant General Burgoyne and his army, on the 17 day of October last, be continued in his present employment, with a brevet of brigadier general in the army of the United States.

Resolved, That the unremitted attention shewn by Dr. Potts, and the officers of the general hospital in the northern department, [as represented in General Gates's letter to Congress, of the][2] 20 October, to the sick and wounded under their care, is a proof not only of their humanity, but of their zeal for the service of the United States, so deeply interested in the preservation of the health and lives of the gallant asserters of their country's cause; and that Congress, therefore, cannot but entertain a high sense of the services which they have rendered,

[1] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 161. It is printed in *Writings of Washington* (Ford), VI, 156.

[2] Words in brackets were inserted by Henry Laurens.

during this campaign, by a diligent discharge of their respective functions.[1]

Congress took into consideration a report from the Board of War of the 23 July; and, making some progress therein,

Ordered, That it be re-committed.

Congress being informed that the commissary general of issues has not assigned districts to the several deputy commissaries general of issues, agreeable to the regulations of his department,

Resolved, That the said commissary general of issues, be directed forthwith to make such assignments, and communicate the same to the governor and council of the State of Connecticut, and his respective deputies.

A motion being made and read ||respecting the convention of Saratoga,||

Ordered, That it be referred to a committee of four:

The members chosen, Mr. J[ohn] Adams, Mr. [James] Duane, Mr. [Joseph] Jones, and Mr. R[ichard] H[enry] Lee.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

A letter, of the 25 October, from the council of Massachusetts bay, and one, of the same date, from General Heath, were read:[2]

Ordered, That the letter from General Heath, be referred to the committee appointed in the forenoon ||on the motion respecting the convention of Saratoga, and|| that the letter from the council be referred to the Board of War.

[1] This report, dated November 4, is in the *Papers of the Continental Congress*, No. 147, I, folio 381. The members of the Board present were: Francis Lightfoot Lee, William Duer, Joseph Jones, William Williams and John Harvie.

[2] The Massachusetts letter is in the *Papers of the Continental Congress*, No. 65, I, folio 269. That of Heath is in No. 157, folio 17.

The Board of ||committee on the|| Treasury brought in a report, which was read:[1]

Ordered, That it be re-committed.

Congress took into consideration the report which was made yesterday by the Board of War; Whereupon,

Resolved, That General Washington be directed immediately to settle the relative ranks of the officers of the cavalry, and to issue their commissions accordingly, and that he be furnished with copies of the several resolutions of Congress on that subject.

Ordered, That the confederation be taken into consideration to morrow.

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That there be advanced to Captain James O'Harra, the sum of two thousand dollars, agreeable to the request of the Board of War, for the purchase of shoes, hats and blankets for the use of the independent companies at Fort Pitt, under the command of General Hand, which sum is to be charged to the general:

Ordered, That a warrant issue in favour of Colonel William Beatty, for the use of a batallion of militia under his command from Frederick county, Maryland, for the sum of one thousand dollars, the said Colonel Beatty to be accountable:

Ordered, That there be paid to Jacob Gotwalt and Simon Keeppenhover, the sum of 60 72/90 dollars, for their expences as an escort to British prisoners from York town to Brunswick, in New Jersey, by direction of the Board of War last winter:

Ordered, That there be paid to Jacob Rush, Esq[r] the sum of 40 dollars, so much advanced by him by direction

[1] Here was inserted the resolutions on the companions of M. du Coudray, printed on p. 875, *post*.

of Mr. Hancock to Lavellin Barry, a continental express rider, the said Barry to be charged with the said sum:

Ordered, That there be advanced to Adjutant Thomas Taylor, of the Georgia batallion, commanded by Colonel J. White, the sum of 200 dollars, to enable him to bring in deserters of the said regiment, the said sum to be charged to the State of Georgia, and to be considered as a part of the three hundred thousand dollars appropriated for the use of that State.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 7, 1777

Ordered, That a duplicate of the recommendation of Congress to the several states to set apart a day of thanksgiving, signed by the president, be sent to the respective states, and to General Washington and General Gates.

Congress resumed the consideration of the report of the Board of Treasury, of the 5th; Whereupon,

Resolved, That one million of dollars be emitted under the direction of the Treasury Board and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 13th of August last, be numbered from the last number of each respective denomination, viz.

15,384 bills of the denomination of	3 dollars,	46,152	15,385 ditto	2 ditto,	30,770
15,384 ditto	4 ditto,	61,536	15,385 ditto	8 ditto,	123,080
15,384 ditto	5 ditto,	76,920	15,385 ditto	30 ditto,	461,550
15,384 ditto	6 ditto,	92,304			1,000,000
15,384 ditto	7 ditto,	107,688			

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 465.

That all power and duties of Michael Hillegas, Esq[r] and of the inspectors of the press, signers and printers of the said emission, directed on the 13th August, shall extend to the said one million to be emitted; subjected, however, to such directions and instructions as the Board of Treasury may judge expedient.[1]

Whereas, Major General Mifflin, by his letter of the 8th day of October last, has requested leave to resign his commissions of major general, and quarter master general in the army, on account of his ill state of health:

Resolved, That General Mifflin's resignation of his commission of quarter master general be accepted, but that his rank and commission of major general be continued to him, without the pay annexed to that office, until farther order of Congress.

Congress proceeded to the election of a Board of War, and the ballots being taken,

General Mifflin, Colonel Timothy Pickering, and Colonel Robert H. Harrison, were elected.

Ordered, That the president inform tne several gentlemen of their appointment, and desire their attendance with all convenient despatch.

A memorial from John Richards, in behalf of himself, James Taylor and company, and Hall and Hornor, was laid before Congress, and read.

Congress being informed, that Mr. Houston has declined the office of deputy secretary, ||on account of his being elected a member of assembly, for the State of New Jersey:||[2]

Resolved, That another deputy secretary be appointed:

Resolved, That the pay of the deputy secretary be seventy-five dollars per month.

[1] This formed part of the report printed under November 5, *ante*.

[2] Houston's letter, dated October 18, is in the *Papers of the Continental Congress*, No. 78, XI, folio 243.

Resolved, That Jacob Rush, be appointed deputy secretary.

On motion, *Resolved*, That Mr. John Eustace, who has served with honour, fidelity and bravery as aid-de-camp to General Lee and General Sullivan, have the commission of a major,[4] in the service of the United States.

Resolved, That to morrow be assigned for electing a quarter master general in the room of General Mifflin.

The Board of Treasury, to whom was recommitted their report of the 6th, reported, "That agreeable to the order of Congress, referring to the Board the claims of Mons. le Brun and the other French gentlemen who accompanied the late Mons. du Coudray from France in consequence of an agreement with Mr. Deane, they have been attended by Mons. le Brun, who is agent for the other gentlemen:

That the Board offered Mons. le Brun to report it as their opinion, and which they had reason to believe would be agreeable to Congress, notwithstanding they had declared that the United States were not bound by Mr. Deane's convention, that Mons. le Brun and all the other gentlemen whom he represents should be received into the service of the United States and enjoy the several ranks and employments which had been stipulated for them by Mr. Deane, and the same pay and appointments which were allowed to other officers of similar ranks and employments in the American army, explaining, at the same time, the mischief which must arise from partial distinctions in the appointments of the officers of the army; that they had made the same propositions and remarks with respect to him and the gentlemen whom he represents, to Mons^{r} du Coudray, in his life time, which they presume had been communicated; that Mons^{r} le

[4] In margin is written the word "brevet."

Brun, in answer to this proposal, declared that he, and the gentlemen whom he represented, were determined to return to France as soon as possible, and presented a paper setting forth their claims against the United States, which, with the account referred to them by Congress, the Board took into consideration:

That Congress, on the 13th day of October last, did pass the following resolution:

"*Resolved*, That the commissioned and non-commissioned officers who have accompanied Monsr du Coudray from France, have the ranks proposed for them in France, together with the pay and emoluments of officers of equal ranks in the service of the United States:"

That it appears from a memorial presented to Congress by Monsr du Coudray, that he received, at Havre-de-Grace, in France, from Mr. Montieu, by order of Mr. Deane, twenty-six thousand five hundred and forty-one livres, as well for himself as the officers who accompanied him; which sum was intended to have been applied to defray the expence of their voyage to America, and of furnishing themselves with necessary camp equipage on their arrival, and for which the committee agreed to make no charge against them. On these principles the Board submit to Congress the following resolution:

Resolved, That it is the opinion of this committee, that the return of the said gentlemen to France, at their own request, be facilitated, and that it will be doing full justice to allow them continental pay according to their respective stations, from the time of their agreement with Mr. Deane, to the first day of November, 1777, their expences in travelling to the eastward or southward for embarkation for Europe, and a farther sum in bills of exchange for their passages to France and travelling charges to Paris; that the bills be drawn in their favour, by the president, on the commissioners in France, at thirty days'

sight, and that these allowances shall be in full satisfaction of their several claims against the United States; and the committee having made an estimate of the allowances according to this resolution, submit the same, in manner following:

	Amount of pay.	For travelling expences.	Passage and travelling charges to Paris.
Dr. Noel,	600 dollars	100 dollars	900 livres tourn.
Monsr. Le Brun, adj. genl.	1,000 do.	100 do.	900 do.
Le Brun, capt. enginrs	700 do.	100 do.	900 do.
Villefranche, do.	700 do.	100 do.	900 do.
Varaigne, do.	675 do.	100 do.	900 do.
Fontfreyde, lieut. engrs	437⅔ do.	100 do.	900 do.
Rivaud, do.	437⅔ do.	100 do.	900 do.
Le Blanc, do.	437⅔ do.	100 do.	900 do.
L'Enfant, do.	437⅔ do.	100 do.	900 do.
Niverd, capt. miners,	650 do.	100 do.	900 do.
Canyjett, lieut. do.	437⅔ do.	100 do.	900 do.
Parisis, do.	437⅔ do.	100 do.	900 do.
Des Epiniers, capt.	675 do.	100 do.	900 do.
Romanet, do.	650 do.	100 do.	900 do.
Loyauté, capt. artillery	600 do.	100 do.	900 do.
Touzard, do.	550 do.	100 do.	900 do.
De Goy, capt. lieut. do.	520 do.	100 do.	900 do.
Pierre, do.	520 do.	100 do.	900 do.
Parison, do.	520 do.	100 do.	900 do.
Mathiot, lieutenant,	325 do.	100 do.	900 do.
Boichard, do.	325 do.	100 do.	900 do.
Ganot, do.	325 do.	100 do.	900 do.
Mattigny, do.	283⅓ do.	100 do.	900 do.
Pommereuil, do.	300 do.	100 do.	900 do.
Du Ballet, do.	283⅓ do.	100 do.	900 do.
Fouquet, capt. bombrs	520 do.	100 do.	900 do.
Fouquet, lieutenant,	325 do.	100 do.	900 do.
Begard, lt. workmen,[1]	325 do.	100 do.	900 do.
12 sergeants of artillery,	1,625 do.		
	15,622⅔	2,800	25,200

[1] In a list of names submitted by Du Coudray in September the following difference in spelling is noted: Fontpeyde, Rivau, Cauyette, Boischard.

Of which they have been paid 11,421 dollars, so that there remains a balance of pay 4,201 2/3 dollars, for travelling expences 2,800 dollars, and for taking a draught at Marcus Hook 219 dollars, amounting in the whole to 7,220 2/3 dollars.

The said report being read,

Resolved, That Congress agree to the said report and resolution of the Board of Treasury, and that the said balance of seven thousand two hundred and twenty dollars and two thirds of a dollar be paid, and the bills drawn ||for 25,200 livres|| accordingly.

The Committee on the Treasury brought in a farther report, which was read; Whereupon,

Resolved, That the provision made for Mons^{r} le Brun, and the officers who accompanied him from France, be extended to Mr. le Balme, who has resigned his commission as inspector general of horse in the service of the United States, and intends to return to Paris, and that there be paid to the said Mons^{r} le Balme the balance of his pay 167 45/90 dollars, and also one hundred dollars for his travelling expences to Boston or Charlestown, and a further sum of 900 livres, in bills of exchange, for his passage to France, and travelling charges to Paris, and that the bills be drawn in his favour on the commissioners in France, at thirty days' sight, and that these allowances shall be in full satisfaction of his claims against the United States.[1]

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

A motion being made for supplying Colonel Dayton with a horse,

Ordered, That it be referred to the Board of War.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 136, I, folio 467.

Application being made by Mons[r] le Brun for two waggons to assist carrying the effects of himself and the other gentlemen to Boston, or the southward:[1]

Ordered, That it be referred to the Board of War, with power to grant his request, and to employ the waggons on their return in such public service as they think proper.

Congress resumed the consideration of the confederation.

It was moved, in the 6 line, p. 4, after "preside," to insert "provided that no person be allowed to serve in that office more than one year in any term of three years:" and the yeas and nays being required:

New Hampshire,			*Pensylvania*,		
Mr. Folsom,	ay	ay	Mr. Morris,	no	
Massachusetts Bay,			Roberdeau,	ay	ay
Mr. S. Adams,	ay		Clingan,	ay	
Gerry,	ay	ay	*Maryland*,		
Lovell,	ay		Mr. Smith,	no	div.
Rhode Island,			Rumsey,	ay	
Mr. Marchant,	ay	ay	*Virginia*,		
Connecticut,			Mr. Jones,	ay	
Mr. Dyer,	no		F. L. Lee,	ay	ay
Law,	no	no	Harvie,	ay	
Williams,	no		*North Carolina*,		
New York,			Mr. Penn,	no	div.
Mr. Duane,	no	no	Harnett,	ay	
Duer,	no		*South Carolina*,		
New Jersey,			Mr. Laurens,	ay	ay
Mr. Elmer,	ay	ay			

So it was resolved in the affirmative.

It was moved to strike out the whole fifteenth article ||relative to the powers of the committee of the states,|| and insert, "The committee of the states, or any nine of them, shall be authorized to execute, in the recess of

[1] This application is in the *Papers of the Continental Congress*, No. 78, II, folio 291.

Congress, such of the powers of Congress, as the United States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with, provided that they delegate to the said committee no power for the exercise of which, by the articles of confederation, the voice of nine states in the Congress of the United States assembled is requisite." On the question put, resolved in the affirmative.

On motion, in the 2 line of the 16 article ||respecting Canada|| to strike out "entirely" ||before "joining" and read "Canada acceding to this confederation and joining in the measures of the United States,"|| resolved in the affirmative.

Ordered, That Mr. Samuel Adams, and Mr. J[ohn] Adams, have leave of absence to visit their families.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 8, 1777

The committee to whom was referred a proposition made to Congress on the subject of the convention between Lieutenant General Burgoyne and Major General Gates, brought in a report; which was read:

Upon motion, to postpone the consideration thereof:

New Hampshire,			*Rhode Island*,		
Mr. Folsom,	ay	ay	Mr. Marchant,	no	no
Massachusetts Bay,			*Connecticut*,		
Mr. S. Adams,	no	no	Mr. Dyer,	no	
J. Adams,	no		Law,	ay	ay
Gerry,	ay		Williams,	ay	
Lovell,	no				

New York,		*Virginia*,	
Mr. Duane,	ay } ay	Mr. Jones,	no }
Duer,	ay }	F. L. Lee,	no } no
New Jersey,		Harvie,	ay }
Mr. Elmer,	ay } ay	*North Carolina*,	
Pensylvania,		Mr. Penn,	ay } ay
Mr. Roberdeau,	no } no	Harnett,	ay }
Clingan,	no }	*South Carolina*,	
Maryland,		Mr. Laurens,	no } no
Mr. Smith,	ay } ay		
Rumsey,	ay }		

So it was determined in the affirmative.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Congress resumed the consideration of the report of the committee brought in this morning: Whereupon,

Resolved, That Major General Heath be directed forthwith, to cause to be taken down the name and rank of every commissioned officer, and the name, former place of abode, occupation, size, age, and description of every non-commissioned officer and private soldier, and all other persons comprehended in the convention made between Lieutenant General Burgoyne and Major General Gates, on the 16 day of October, 1777, and transmit an authentic copy thereof to the Board of War, in order that if any officer, soldier, or other person, as above mentioned, of the said army, shall hereafter be found in arms against these states in North America during the present contest, he may be convicted of the offence, and suffer the punishment in such case inflicted by the law of nations:

That Major General Heath be directed to take the parole in writing of the officers according to the convention, and

transmit authenticated copies of such paroles to the Board of War.

Ordered, That the committee have leave to sit again.

A memorial from sundry officers of the Pensylvania troops was read:[1]

Ordered, That it be referred to the Board of War.

Resolved, That General Mifflin be desired, notwithstanding his resignation of quarter master general is accepted, to continue in the exercise of that office, and that he be invested with full powers to act until another quarter master general is appointed and enters upon the duties of the office.[2]

The Committee on Foreign Applications reported a memorial and proposal of Mons[r] Fouquet and son, to continue in the service of the Continent:

Ordered, That they be referred to the Board of War, and that they be empowered to enter into a contract with Mons[r] Fouquet and son, and engage them in the service of the United States.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 10, 1777

Prayers, Mr. Duffield.

A letter, of the 30, and one of the 31 October, from General Gates at Albany, with one, of the 26, from Governor Clinton to General Gates:

A memorial, from Mons. le Brun; a letter, of the 8,

[1] This memorial, signed by Anthony Wayne and others, is in the *Papers of the Continental Congress*, No. 41, VII, folio 169.

[2] "Late this evening the appointment of a Quarter Master General being a subject for consideration in Congress, the house determined to postpone the business."—*Laurens to Mifflin*, 8 November, 1777.

and one, of the 10th inst. from William Buchanan, Esq[r] commissary general of purchases, were read:[1]

Ordered, That the letter from Governor Clinton be referred to the Board of War; and that the letters of the 30 and 31 October, from General Gates, the letters from Mr. Buchanan, and the memorial from Mons[r] le Brun, be referred to the Board of Treasury.

Sundry depositions relative to the conduct of one Lieutenant Reynolds, of the additional regiments, were read:

Ordered, That the same be referred to General Washington, and that he be directed to cause strict enquiry to be made into the conduct of Lieutenant Reynolds, as set forth in the said depositions, that if found guilty he may be punished as his crimes deserve.

Congress took into consideration a report of the Board of War of the 6th; Whereupon,

Resolved, That the Committee of Foreign Affairs be directed to write to the commissioners of the United States, in France and Spain, to purchase and ship, on continental account, in armed vessels, in addition to what has been heretofore ordered by Congress, ~~fifty thousand blankets of a proper sort for soldiers~~ five hundred tons of lead, four hundred tons of powder, one million gun-flints, tents for fifty thousand men, and ten thousand yards of flannel for cartridges, to be sent to such ports or places as the said committee shall direct; and that the former orders of Congress, and the commercial committee for cloathing, fire-arms, equipage, brass field-pieces, salt, and other articles, and for 130,000 blankets, be compleated as soon as may be:[2]

[1] The letters of Gates are in the *Papers of the Continental Congress*, No. 154, I, folios 288 and 292. That of Clinton is in No. 67, II, folio 83; that of Buchanan, in No. 78, II, folio 293.

[2] This report, dated November 6 and in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 383. The members of the Board present were: Francis Lightfoot Lee, William Duer, John Harvie, Joseph Jones, and William Williams. The report called for "all the Blanketts they can possibly procure in any Part of Europe."

That the committee be also directed to write to the commissioners, and instruct them to contract with, and send over, by different conveyances, two or three persons, well acquainted with the making of gun-flints, in order to instruct persons in that business, and introduce into these states so useful a manufacture; [likewise, three or more proper persons, skilful in working lead mines and refining lead ore, and three or more persons, skilful in the discovery of sulphur mines, and manufacturing and refining sulphur.][1]

Ordered, That the Commercial Committee, and the Committee of Foreign Affairs, immediately report to Congress what orders they have transmitted to the commissioners of the United States, in France and Spain, for military supplies, designating what have arrived, and such as they are informed have been taken by the enemy, or have miscarried.[2]

Resolved, That General Gates be authorized to order the deputy pay master general to pay, upon the certificates of such officers as he shall think proper, the sums due to the officers and soldiers of the army, under his command, for rations or parts of rations, allowed to, but not drawn by them, respectively, provided the regulations of the commissary's department, relative to the payment of rations as aforesaid, be no longer dispensed with than General Gates shall judge it necessary.

Ordered, That to morrow be assigned for appointing a deputy commissary general of purchases and a deputy commissary of issues in the western department.

Adjourned to 4 o'Clock.

[1] This paragraph was an amendment, and is in the writing of Charles Thomson and Henry Laurens, the words of Laurens being in brackets.

[2] This paragraph was an amendment, in the handwriting of Henry Marchant. It is in the *Papers of the Continental Congress*, No. 147, I, folio 384–1.

FOUR O'CLOCK, P. M.

Sundry propositions being laid before Congress in addition to the articles of confederation:

Resolved, That a committee of three be appointed to take the same into consideration, and report such as they shall judge proper to be added to the articles of confederation, not changing or altering any of the articles already agreed on.

||The members chosen,|| Mr. [Richard] Law, Mr. R[ichard] H[enry] Lee, and Mr. [James] Duane.

A memorial from Mons^r^ de Vernejous, was read:[1]

Ordered, That it be referred to the Board of War, who are directed to consider the merits and services of Mons^r^ Fleury, and Mons^r^ du Plessis, and report to Congress.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 11, 1777

Prayers.

A memorial, from the Chevalier Dorset, and a memorial from one of the officers who accompanied Mons^r^ du Coudray, were read:[2]

Resolved, That a committee of three be appointed to take into consideration the applications of the commissioned and non-commissioned officers who accompanied Mons^r^ du Coudray from France; to revise the report of the treasury and the resolutions of Congress thereon respecting those officers; and as soon as possible report to Congress what farther sums, if any, they shall apprehend

[1] This memorial is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 61.

[2] Dorset's memorial is in the *Papers of the Continental Congress*, No. 41, II, folio 426. A letter, dated October 11, is on folio 16.

it just and expedient Congress should grant them; that the said committee also take into consideration the memorials of the Chevalier Dorset, and the application of any other foreign gentlemen now attending Congress:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Henry] Marchant, and Mr. [James] Duane.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That a warrant issue in favour of Mr. John Brown, secretary to the Marine Committee, for 2,000 dollars, for the use of the said committee, who are to be accountable:[1]

Ordered, That the president issue a warrant on Thomas Smith, Esq[r] commissioner of the loan office for the State of Pensylvania, in favour of Matthew Irwin, agent to Joseph Trumbull, Esq[r] late commissary general, for the sum of fifty thousand dollars, advanced in consequence of Mr. J. Trumbull's letter of 14th August last, to enable him to pay his contracts for provisions, the said Joseph Trumbull to be accountable:

Ordered, That a warrant issue in favour of Elijah Etting, for 426 60/90 dollars, for the payment of Joseph Simon's order, dated Lancaster, 29 October last, in his favour, for blankets delivered Brigadier General Hand at Fort Pitt, for the use of the hospital there, Brigadier General Hand to be accountable.[2]

The committee appointed to take into consideration the

[1] This report, dated November 7, is in the *Papers of the Continental Congress*, No. 136, I, folio 469.

[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 471.

new articles proper to be added to, or included in, the confederation, brought in a report which was read:

The Committee appointed to take into Consideration *new* articles proper to be added or included in the Confederation, beg leave to Report, the following ones as proper for that Purpose,[1] viz:

ART. 1. That Freedom of Speech and Debate in Congress Shall not be impeached or questioned in any Court or Place out of Congress.

Agreed

2. That the United States in Congress Assembled, shall have Power to censure and to fine any of their Members, the better to enforce Obedience to the Rules and Orders of the House.[2]

Expung'd

3. That if any Person charged or Suspected of any Crime committed in any State Shall flee or escape into another, upon Application of the Governor or Chief Justice of the former State to the Governor or Chief Justice of the *latter*, the said[3] charged or Suspected Person shall be sent back for Tryal according to the Laws of the State he fled from.[4]

A. Substituted

4. That full Faith and Credit shall be given in each of these States to the Records, Acts, and Judicial Proceedings of the Courts and Magistrates of every other State, and that an Action of Debt may lie in the Court of Law in any State for the Recovery of a Debt due on Judgment of any Court in any other State; provided the Judgment Creditor gives sufficient Bond with Sureties before Said Court before whom Action is brought to respond in Damages to the Adverse Party in Case the original Judgment Should be afterwards reversed and Set aside.[5]

Agreed

[1] "Consideration" was substituted for "that Purpose" by Duane.

[2] This paragraph was struck out in Congress.

[3] "Person" substituted by Duane and "Person" after "suspected" struck out.

[4] These last three words struck out, and "where the Crime shall have been committed" inserted by Duane. The paragraph was struck out in Congress.

[5] To this point the report is in the writing of Richard Law. Some verbal changes were introduced by Duane, and the paragraph then read as follows: "and that an Action of Debt may lie in a Court of Law of any State for the Recovery of a Debt due on a Judgment of any Court in any other State, provided the Judgment Creditor shall give Bond with sufficient Sureties before said Court, in which the said Action shall be brought to Answer in Damages to the Adverse Party, in case the original Judgment should be afterwards reversed and set aside." The paragraph beginning with the words "and that an Action, &c.," was struck out in Congress.

First form.

5. And for the more certain preservation of friendship and mutual intercourse between the people of the different States in this Union, +[1] the Citizens of every State, going to reside in another State, Shall be entitled to all the rights and privileges of the natural born free Citizens of the State to which they go to reside; and the people of each State Shall have free egress and regress for their persons and property to and from every other State, without hinderance, molestation or imposition of any kind. Provided, that if Merchandize of any sort be imported for purposes of traffick within any State, that the person So importing Shall be liable to the Same imposts and duties as the people of the State are by law liable to where Such importations are made, and none other. And provided also that the benefit of this Article Shall extend to the property of the United States, and of any particular State, in the Same manner as to the property of an Individual in any State.[2]

And the better to secure and perpetuate mutual Friendship and Intercourse between the People of the different States in this Union, ~~Agreed "that,~~ The free Inhabitants of each of these States, Paupers Vagabonds and fugitives excepted, shall be entitled to all Priviledges and Immunities of free Citizens in ~~all and every of said~~ the respective[3] States[4] ~~(saveing to the Inhabitants of the respective States the Admission of their own Inhabitants and the Sole Management of their own municipal Affairs)~~. And the People of each State shall have free Ingress and Egress for their Persons and Property to and from every other State, to trade and traffick, without any Hindrance or Imposition of any Kind whatsoever, provided that if any Merchandise or Commodity be imported into any State for the purpose of Traffick therein, the Person so importing shall be liable to the same Imposts and Duties as the People of the State are by Law liable to where such Importations are made and none other, provided also that the Benefit of this Article shall Extend to the property of the United States and of any particular State in the same Manner as to the property of an Individual.[5]

[1] "Recommitted from +" Henry Laurens.

[2] This paragraph is in the writing of Richard Henry Lee.

[3] These two words added by Duane.

[4] The letters "ag[reed]" were here inserted.

[5] This form of the article, in the writing of Richard Law, is in the *Papers of the Continental Congress*, No. 47, folio 99–3.

Second form.

5. And [the better to secure and perpetuate mutual][1] friendship and intercourse between the people of the different States in this Union, the Inhabitants of every State [Paupers Vagabonds and fugitives from Justice excepted][2] going to reside in another State shall be entitled to all the rights and priviledges of the natural born free Citizens of the State to which they go to reside: And the people of each State shall have free [Ingress and Egress][3] for their persons and property to and from every other state without hinderance, or imposition of any kind, Provided that if Merchandise be imported [into any State][2] for purpose of traffick therein, the person so importing shall be liable to the same imposts and duties as the people of the State are by law liable to where such importations are made, and none other, And provided also that the benefit of this article shall extend to the property of the United States, and of any particular State, in the same manner as to the property of an Individual.[3]

6. That all Bills of Credit emitted, Monies borrowed, and Debts Contracted, by or under, the Authority of Congress, before the Assembly of the United States in pursuance of the present Confederation, shall be deemed and considered as a Charge against the United States; for Payment and Satisfaction whereof the said States, and the publick Faith, are hereby Solemnly pledged.

[1] Inserted by James Duane.
[2] Inserted by Richard Law.
[3] The paragraph was struck out in Congress.

7th That all Controversies concerning the private Right of Soil claimed under different Grants of two or more States, whose Jurisdictions as it respects such Lands, and the States from whence the Grants in Question issued, are adjusted, the Title [on either part] of one of the Parties, being at the same time claimed to have originated antecedent to such Settlement of Jurisdiction, shall on [the last Resort] the Petition of either party to Congress be finally determined [on an Appeal to Congress] in the same manner as near as may be which is before prescribed for deciding disputes respecting territorial Jurisdiction between different States.[1]

7. That all controversies concerning the private Right of Soil claimed under different Grants of two or more States whose Jurisdictions, as they may [affect] respect such Lands and the States which passed such grants are adjusted; being at the same time claimed to have Originated antecedent to such Settlement of Jurisdiction, shall on the Petition of either party to Congress be finally determined in the Same manner, as near as may be, which is before prescribed for deciding Disputes respecting territorial Jurisdiction between different States.[2]

Ordered, That it be taken into consideration to morrow morning.

Congress proceeded to the election of a deputy commissary general of issues, for supplying the forts and posts on the western frontiers of Pensylvania and Virginia, and the ballots being taken,

John Erwing was elected.

The president laid before Congress a copy of a resolution passed in Congress on 18 September last, ordering commissions to be granted to a number of officers in the department of the commissary general of military stores, which was delivered to him by Colonel Flower, C. G. M. S. together with the list of the officers, who, notwithstanding the foregoing resolution, have not yet received their commissions;

[1] The words in brackets were struck out.

[2] The last three paragraphs are in the writing of James Duane. This report is in the *Papers of the Continental Congress*, No. 47, folio 97. The last paragraph was a substitute for the first form of No. 7.

Whereupon, *Ordered*, That commissions be granted to the following persons in the department of the commissary general of military stores, with the dates annexed to their respective names, agreeable to the said list, viz.

Of the company to work in the laboratory inlisted to serve during the war as artillery men:

Isaac Curren, capt. February 1, 1777.

William E. Godfrey, capt. lieut. July 1, 1777.

Anthony Wright, first lieut. March 1st, do.

Andrew Caldwell, second lieut. April 1st do.

Of the company of artillery artificers inlisted to serve during the war to be attached to the artillery in the field:

Jesse Roe, capt. Feby 3, 1777.

Valentine Hoffman, capt. lieut. 12 Feby.

Christian Beackley, first lieut. 3 Feby.

William Preston, second lieut. 7 April.

Of the company of artillery artificers inlisted to serve for one year and ordered to be reinlisted to serve during the war:

David Pancoast, captain, 10 Feby, 1777.

John Jordan, capt. lieut. 17 Feby, do.

James Gibson, first lieut. 17 Feby, do.

Of the company of artillery artificers inlisted to serve for one year and ordered to be reinlisted during the war:

Nathaniel Irish, captain, 7 Feby. 1777.

Thomas Wylie, capt. lieut. 17 do.

George Norris, first lieut. 8th do.

James Sweiney, second lieut. 22d do.

Jonathan Gostelow, major commissary military stores, 1 February, 1777.

Josiah Watkins, major commissary ordinance stores, 5 February, 1777.

Wollory Ming, captain superintendant of the leather manufactory, 1 April, 1777.

——— Parks, ~~foreman~~ to the leather manufactory, August, 1777.

Samuel Sergeant, superintendent of the public works at Carlisle and keeper of all the stores, August, 1777, pay 60 dollars per month and 4 rations a day.

Charles Lukens, major, commissary military stores and pay master to the commissary general of military stores in the department at Carlisle, March 8, 1777, his pay 60 dollars a month and 4 rations a day:

Johnson Smith, contractor and procurer of all the lumber and some other materials wanted for the public works at Carlisle, July 21, 1777, pay 60 dollars per month and 3 rations a day:

Cornelius Sweers, assistant commissary general military stores at Philadelphia, February 1, 1777: the same pay and rations as commissary military stores.

Alexander Power, quarter master to the corps of artillery artificers at Carlisle, 30 July, 1777, same pay and rations as regimental quarter master.

Samuel French, major, commissary military stores, 18 January, 1777, with the army.

George Everson, captain, deputy commissary military stores, 18 January, 1777.

Alexander Henderson, captain, deputy commissary military stores, 10 September, 1777.

A memorial, from Thomas Hite, administrator of the estate of Jacob Hite, deceased, in behalf of the heirs of the said deceased, was laid before Congress and read:

Ordered, That it be referred to the Board of Treasury.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 12, 1777

Prayers.

A letter, of the 8, from General Washington, at White Marsh, enclosing a copy of a letter from General Dickinson; one, of the 31 October, from General Heath; also, a letter of the 30th October, from Ebenezer Hancock; and one, of the 16 October, from J. Bradford; were read:[1]

Ordered, That the letters from General Washington and Mr. E. Hancock be referred to the Board of Treasury; and that the letter from J. Bradford be referred to the Committee of Commerce.

Resolved, That a copy of General Heath's letter of the 31 day of October be transmitted to the general assembly of the State of Massachusetts bay, who are requested to afford Samuel Allen Otis, Esq[r] agent of the cloathier general in the said State, the necessary assistance for procuring the cloathing mentioned in the said letter, and for having it made up for the army, who are in great want thereof.

An order drawn on John Hancock, Esq[r] president of Congress, by George Morgan, in favour of Sampson Matthews, dated October 1, 1777, was laid before Congress.

Ordered, That it be referred to the Board of Treasury.

Congress took into consideration the new articles proposed to be added to the confederation; Whereupon,

Resolved, That the following be included:

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress:

[1]The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 181. That of Heath is in No. 157, folio 21; that of Hancock, in No. 78, XI, folio 249; and that of Bradford, in No. 78, II, folio 297.

The members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to, and from, and attendance on, Congress, except for treason, felony or breach of the peace.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

The Board of Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That Jonathan Trumbull, Esq^r^ transmit to Congress a certificate from Mr. Cuyler, deputy commissary general of purchases for the northern district, specifying the sum supplied the latter from the military chest, and that the Board of Treasury be authorized thereupon to credit Mr. Trumbull for the said sum, and charge it to the commissary general of purchases.[1]

Ordered, That a warrant issue on Nathaniel Appleton, Esq^r^ commissioner of the continental loan office of the State of Massachusetts bay, in favour of Dr. William Shippen, director general of the hospitals, for sixty-seven thousand dollars, for the use of his department, and for which he is to be accountable:

Ordered, That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office of the State of Massachusetts bay, in favour of William Buchanan, commissary general of purchases, for two hundred thousand dollars for the use of the eastern department; and that one other warrant issue on the continental treasurer in favour of the Board of War for two hundred thousand dollars, to be by them transmitted to the deputy commissary general of purchases for the northern department; that

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 473.

one other warrant issue in favour of the Board of War, on the continental treasurer, for two hundred thousand dollars, to be by them transmitted to the deputy commissary general of purchases for the southern department; for which three sums, amounting to 600,000 dollars, William Buchanan, Esq[r] commissary general of purchases, is to be accountable.[1]

Congress resumed the consideration of the articles reported by the committee as proper to be included in the confederation;

And upon the question put, the following were adopted:

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these states, to the records, acts and judicial proceedings of the courts and magistrates of every other State.

To which it was moved to add,

And an action of debt may lie in a court of law of any State for the recovery of a debt due on a judgment of any court in any other State; provided the judgment ~~of any court~~ creditor shall give bond with sufficient sureties before the said court, in which the action shall be brought, to answer in damages to the adverse party, in case the original judgment should be afterwards revised and set aside, and provided the party against whom such judgment may have been obtained, had notice in fact of the service of the original writ upon which such judgment shall be founded; and the yeas and nays being required,

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 475.

New Hampshire,		*Maryland*,	
Mr. Folsom,	no } no	Mr. Smith,	no } div.
Massachusetts Bay,		Rumsey,	ay }
Mr. Gerry,	no } *	*Virginia*,	
Rhode Island,		Mr. Jones,	no
Mr. Marchant,	ay } ay	R. H. Lee,	no } no
Connecticut,		F. L. Lee,	no }
Mr. Dyer,	ay	Harvie,	no }
Law,	no } ay	*North Carolina*,	
Williams,	ay	Mr. Penn,	no } no
New York,		Harnett,	no }
Mr. Duane,	no } *	*South Carolina*,	
New Jersey,		Mr. Laurens,	no } no
Mr. Elmer,	no } no		
Pennsylvania,			
Mr. Roberdeau,	ay } div.		
Clingan,	no }		

So it passed in the negative.

A letter, of the 10, from General Washington, was read, together with the proceedings of a board of general officers for settling the rank of the Pensylvania field officers, ~~inclosed therein~~ dated August 19, 1777, ||and the same being taken into consideration;|| Whereupon,[1]

Resolved, That Congress agree to the principle adopted by the said board in settling the relative rank or precedence of officers according to that standing they held in the army immediately before their present commissions, except where persons are promoted upon a principle of merit only; and that the arrangement made by the said board, with respect to the relative rank of the Pensylvania field officers, be, and it is hereby confirmed.

Resolved, That the commissions heretofore granted to the said officers be ~~by them respectively~~, and they are hereby vacated.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 173. It is printed in *Writings of Washington* (Ford), VI, 180.

Ordered, That the said commissions be delivered by the respective officers to General Washington.

Ordered, That new commissions be made out for the said officers, with the rank and dates annexed to their names respectively, and transmitted to General Washington:

	Colonels.	*Lieutenant colonels.*	*Majors.*
1.	Magaw, January 3, 1776.	Nagle, August 21, 1776.	Smith, September 27, 1776.
2.	Irwin, January 9.	Becker, August 22.	Miller, September 28.
3.	Cadwalader, September 7.	Ross, September 27.	Williams, September 29.
4.	Johnson, September 27.	Richard Butler, September 28.	Lamar, September 30.
5.	Chambers, September 28.	Craig, September 29.	Harmar, October 1.
6.	Broadhead, September 29.	William Butler, September 30.	Robinson, October 2.
7.	Wood, September 30.	Frazier, October 1.	Benezet, October 3.
8.	Humpton, October 1.	Greer, October 2.	Bayard, October 4.
9.	Cooke, October 2.	Gurney, October 3.	Hay, October 5.
10.		Hubley, October 4.	North, October 6.
11.		Gray, October 5.	Mentges, October 7.
12.			Crawford, October 8.

Resolved, That Colonel Stewart's regiment be annexed to the Pensylvania line and form the thirteenth regiment.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 13, 1777

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That blank commissions be sent to General Gates, to enable him to fill up the vacancies in the Massachusets regiments, in pursuance of powers given him for that purpose by that State.[1]

[1] This report, dated November 11 and in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 385.

A letter, of the 17 October, from William Aylett, Esq[r] enclosing his accounts for the purchase of flour, was laid before Congress ||and read:||

Ordered, That it be referred to the Board of Treasury.

Resolved, That a committee of three be appointed to enquire into the cause of the obstructions in the department of the post master general, and report thereon to Congress:

The members chosen, Mr. [Daniel] Roberdeau, Mr. [Elbridge] Gerry, and Mr. [Henry] Marchant.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the commissioner of the loan office of the State of Massachusetts bay, in favour of Ebenezer Hancock, Esq[r] deputy pay master general of the eastern department, for two hundred thousand dollars, to be paid after the warrants drawn the 12th instant, in favour of the commissary general of purchases; it being for the use of the said department, and for which the said deputy pay master general is to be accountable:

Ordered, That a warrant issue on the continental loan officer for the State of Rhode Island, for forty-four thousand dollars, and another warrant on the commissioner of the loan office for the State of Maryland for eight thousand dollars, both in favour of the Marine Committee, or their order, and for which they are to be accountable:

Ordered, That a warrant issue on the treasurer in favour of Colonel Jesse Ewell, of a regiment of militia from the State of Virginia, for 1,097 30/90 dollars, for which he is to be accountable:

Ordered, That a warrant issue on the continental loan officer for the State of Massachusetts bay, for twenty thousand dollars, and another warrant on the commissioner of the loan office for the State of New Hampshire,

for ten thousand dollars, both in favour of James Mease, Esq[r] cloathier general, being an advance for the use of his department, and for which he is to be accountable:

Ordered, That a warrant issue on the treasurer in favour of Captain David Bell, for three thousand dollars, in discharge of a bill drawn on Congress in favour of Sampson Matthews, by Colonel George Morgan, dated the October 1, 1777, on account of provisions for the use of the western department, Colonel Morgan to be accountable.[1]

Adjourned to 4 o'Clock.

FOUR O'CLOCK P. M.

A letter, of the 3d, from General Putnam, and one, of this day, from William Buchanan, Esq[r] commissary general of purchases, with one enclosed from General Putnam, of the 3d, were read:

Ordered, That the same be referred to the committee appointed to consider and report upon the letter from S. Hopkins, Esq[r] and the papers enclosed.

Congress took into consideration the articles reported by the committee as proper to be included in the confederation, and the following were adopted:

And the better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the respective states; and the people of each state shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively; provided that such restriction shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided, also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States, or either of them.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 477.

All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions, as they may respect such lands, and the states which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined in the same manner, as near as may be, as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

Resolved, That a committee of three be appointed to revise and arrange the articles of confederation ~~as amended and passed~~ agreed to, and to prepare a circular letter to the respective states to accompany the said articles:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [James] Duane, and Mr. [James] Lovell.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 14, 1777

A letter, of the 11th, from General Washington, at White Marsh, with copy of a letter of the 7, from General Putnam, and a report of a board of general officers on the subject of rations, and a memorial from Mons[r] du Portail inclosed, was read; also, a letter of the 11, from W. Palfrey, Esq[r] pay master general, with sundry papers enclosed, was read:[1]

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 187. It is printed in *Writings of Washington* (Ford), VI, 184.

Major General Schuyler having greatly suffered in his private affairs by the barbarous ravages of the British army, under the command of Lieutenant General Burgoyne, on their retreat from Saratoga:

Resolved, That General Schuyler be at liberty to attend to his private affairs until the committee appointed to enquire into the causes of the loss of Ticonderoga and Mount Independence shall make their report, and he shall have notice to attend at head quarters, in order to an enquiry into that event.

Whereas, the committee appointed to enquire into the causes of the loss of Ticonderoga and Mount Independence, have not yet been able to collect materials and make their report:

Resolved, That Major General St. Clair be at liberty to attend his private affairs until he shall have notice to repair to head quarters, in order to an enquiry into his conduct.[1]

Ordered, That a warrant issue in favour of the Board of War, for 150,000 dollars, to be forthwith transmitted, agreeable to the request of William Palfrey, Esq[r] pay master general, to William Bedlow, his deputy at Fish kill; the said William Palfrey, Esq[r] to be accountable; and that the Board of War direct the commanding officer at Fish kill to inform the troops there, that money shall be sent as soon as possible to discharge the arrearages due to them.

Ordered, That the letter from General Washington, with the papers enclosed, be referred to the Board of War:

[1] "The liberty granted to Major General Schuyler followed a motion founded on a Letter received by a Member of Congress [Duer] from the general; *that* to Major general Sinclair proceeded from the appearance of his name subscribed at a meeting of a board of officers." *Henry Laurens to Washington*, 13 November, 1777.

That the letter from W. Palfrey, Esq[r] with the papers enclosed, be referred to the Board of Treasury:

The committee appointed to revise and arrange the articles of confederation, made their report, which was read and agreed to.

Ordered, That ~~they be engrossed~~ a fair copy thereof be made out accordingly.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

The committee appointed to take into consideration the application of the commissioned and non-commissioned officers who accompanied Mons[r] du Coudray from France, to revise the report of the treasury and the resolutions of Congress thereon respecting those officers, and as soon as possible to report to Congress what farther sums, if any, they shall apprehend it is just and expedient Congress should grant them, and also to take into consideration the memorial of the Chevalier Dorset and the application of any other foreign gentlemen now attending Congress; report, that they have upon mature consideration of the premises agreed upon the following report, which they beg leave to submit to Congress:

Your committee find by the representation of Mons[r] le Brun, that among the officers of the late General du Coudray's corps, there are six gentlemen who have received no part of the gratifications allowed to the other officers of that corps out of the 26,541 livres granted by Mr. Deane, which sum of 26,541 livres has been otherwise expended, as aprears from an account presented to Congress by General du Coudray before his death: that the reason of these officers being formerly omitted, except Mons[r] Touzard and Mons[r] Epiniers, who received part of their gratifications, arose from its being more agreeable to them to receive

their portions in America than in France, having money sufficient for immediate use in that country, prior to their embarkation; your committee therefore are of opinion, that it will be equal and right to allow the gentlemen formerly omitted, gratifications proportionable to what have already been made to others of similar rank in the same corps, as follows, viz. To Monsieur des Espiniers, 900 livres, Mons^r. Romanett, 1,500 livres, Mons^r. Touzard, 450 livres, Mons^r. Matigny, 600 livres, Mons^r. l'Enfant, 600 livres, Mons^r. Ganot, 600 livres, amounting in the whole to 4,650 livres.

Your committee also think it reasonable, that provision be made for the travelling expences and the passages of twelve serjeants belonging to General du Coudray's corps, who are likewise returning to France, in proportion to the allowance already made the commissioned officers which proportionate allowance the committee estimate at 60 dollars each, for travelling expences to Boston, and 450 livres each, for passage and travelling expences to Paris, amounting to 720 dollars and 5,400 livres.

Your committee likewise find on examination, that in the former settlement a ballance of travelling expences, accruing on the journey from Boston to Philadelphia, was omitted to be credited, which ought to be allowed, amounting to 1,004 dollars.

Your committee are farther of opinion, that the inconveniences of dissimilar pay to persons of similar ranks serving in the same army, being no bar at present, since the officers under consideration are returning to France, it will be expedient and proper that they be allowed their pay in livres, by which it appears that a ballance should be paid to Mons^r. le Brun, to be distributed among the respective officers and non-commissioned, amounting to 14,580½ livres; that the livres allowed by this report be paid in the

same manner as those lately reported by the Committee of Treasury for the same corps.

Your committee are of opinion, that no settlement of General du Coudray's affair can properly be made but with his legal representatives, and that Mons[r] le Brun may, if he desires it, be furnished with a certificate of this opinion, as well as that it is deemed unnecessary to comprehend Mons[r] Fleury in this settlement, since that gentleman is now engaged in the continental service, and that Mons[r] le Brun be furnished with a copy of this report, attested by the secretary of Congress.

Your committee are farther of opinion, that the two servants of Mons[r] du Coudray be furnished each with a draught on the commissioners for 450 French livres, to pay their passage to France; which sum is to be charged in account with General du Coudray.

On a motion to agree to the report of the committee:

Massachusetts Bay,			*Maryland*,		
Mr. Gerry,	ay	ay	Mr. Smith,	ay	ay
Lovell,	ay		Rumsey,	ay	
Rhode Island,			*Virginia*,		
Mr. Marchant,	ay	ay	Mr. Jones,	ay	ay
Connecticut,			R. H. Lee,	ay	
Mr. Dyer,	ay	ay	F. L. Lee,	ay	
Law,	no		Harvie,	ay	
Williams,	ay		*North Carolina*,		
New York,			Mr. Penn,	no	div.
Mr. Duane,	no	*	Harnett,	ay	
New Jersey,			*South Carolina*,		
Mr. Elmer,	no	no	Mr. Laurens,	ay	ay
Pensylvania,					
Mr. Roberdeau,	ay	ay			
Clingan,	ay				

So it was resolved in the affirmative.

Resolved, That the additional allowances now made shall be deemed and considered to be in full satisfaction

of all claims which the said gentlemen, or either of them, have against the United States or against Mr. Deane.

Resolved, That General Washington be informed that Congress have long since written to the commissioners in France for cloaths complete for eighty thousand men, and have received for answer that they might be expected here by the setting in of winter; in consequence of which, Congress have reason to hope for this necessary arrival in a short time: that Congress have also adopted various other means for importing cloathing, which they have reason to expect will be successful; and, on the 16th day of October, ordered a copy of the General's return of articles wanted for the army to be transmitted to the respective assemblies of the eastern and middle states, with a pressing recommendation to them to use their utmost endeavours to collect the same without delay, and send them to the army. But, since the wants of the army are immediate, Congress wish the General may avail himself of the powers vested in him for obtaining these necessary supplies from the disaffected inhabitants, Congress being of opinion that the well disposed people of these states will rather be pleased than dissatisfied with a procedure, by which their enemies shall be compelled to supply those things that are essential to the support and comfort of the army; and the more especially as even the disaffected will be paid a reasonable price for what is demanded of them;

Resolved, That the powers with which General Washington was invested by a resolution of Congress of the 17 September, and another of the 8th of October last, be continued till the first day of March next, unless sooner revoked.

Resolved, That Mr. President write a letter to the Honorable Thomas M'Kean, speaker of the house of assembly of the State of Delaware, requesting him to exert his

utmost endeavours effectually to prevent the disaffected inhabitants of that State from furnishing the enemy's fleet or army with provisions or supplies of any kind, and if he shall be of opinion that the strength of the well disposed people is not sufficient for the purposes above mentioned, that he inform Congress thereof, and what additional aid it may be necessary to send for effectually preventing the enemy getting supplies from the Delaware State; and that Mr. Speaker be informed a representation in Congress, from that State, is immediately wanted.

The delegates from New York produced credentials of their appointment made in assembly and council October 3, 1777, whereby it appears that the honorable Philip Livingston, James Duane, Francis Lewis, William Duer, and Gouverneur Morris, or any two of them, are empowered to represent that State in Congress.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.[1]

SATURDAY, NOVEMBER 15, 1777

A memorial from Edward West, was read:

Ordered, That it be referred to the executive council of the State of Pensylvania.

Resolved, That an extract of General Washington's letter of the 11th inst. relative to cloathing, be forthwith sent to the states of Massachusetts bay, Connecticut, New Jersey, Pensylvania, Maryland, and Virginia, who are requested to send, without delay, to the army under his command, the blankets and other articles of cloathing

[1] "It is a Rule in Congress to commit Letters to the consideration of particular Boards these being dispersed in different parts of the Town and governed by Rules of their own for meeting, it is not always, or I should rather say, it is seldom in the Power of the President to answer with that despatch which may seem necessary." *Henry Laurens to Washington*, 13 November, 1777.

that may be collected, agreeably to a recommendation of Congress of the 16 day of October last, to answer the pressing demands of the army previous to the arrival of supplies of cloathing expected by Congress; and that duplicate receipts be taken for the same from the cloathier general or his deputies respectively.

A copy of the confederation being made out, and sundry small ~~verbal~~ amendments ~~preserving~~ made in the diction, without altering the sense, the same was agreed to, and is as follows:

Articles of Confederation and Perpetual Union,[1] *between the States of*

New Hampshire,
Massachusetts Bay,
Rhode Island and Providence Plantations,
Connecticut,
New York,
New Jersey,
Pennsylvania,
Delaware,
Maryland,
Virginia,
North Carolina,
South Carolina,
Georgia.[2]

SECOND REPORT.	FINAL FORM.
Art. 1. Stile of the Confederation. ART. 1. The ~~name~~ stile of this confederacy[3] shall be, "The United States of America."	ARTICLE 1. The stile of this confederacy shall be "The United States of America."

[1] In the *Papers of the Continental Congress*, No. 47, folios 41 and 51, are two copies of the Articles of Confederation in the writing of Charles Thomson. The first is, with the exception of the few words written on the margin by Duane, entirely in the writing of Thomson, and is without endorsement. The second copy is also in Thomson's writing, but it has on the first page a marginal direction to the printer, as to numbering the paragraphs, written by Duane, and the last paragraph is in his writing. The marginal captions of the articles are also in another hand. As the sheets bear the finger marks of the printer, they are undoubtedly the set sent to the printer [Francis Bailey]. They are endorsed: "Articles of Confederation made out for the press—as agreed to by Congress, Nov^{r} 15, 1777."

I have used the first copy (which appears to be the earlier in time) in the first column, adding in a note any differences found in the second copy, except mere erasures of words, or where the change is not explained by a transfer from one article to another.

[2] In the second copy James Duane has written against this heading: "Let the numbers of the articles be in Roman characters, as Art. I, Art. II, Art. III, &c."

[3] Originally written "confederacy," then "confederation," and again altered to first form.

ART. 2. Each state retains its sovereignty, freedom and independance, and every power, jurisdiction and right which is not by this confederation expressly delegated to the united states in Congress assembled.

Art. 2. Sovereignty and Independance of the respective states.

ART. 3. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

Art. 3. Design of the Confederation as it ~~respects~~ regards common security.

ART. 4.[1] The better to secure and perpetuate mutual friendship and intercourse ~~between~~ among the people of the different states in this Union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from justice excepted, shall be intitled to all privileges, and immunities of free citizens in the ~~respective~~ several states: and the people of each state shall have free ingress and regress to and from any other state and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions

Art. 4. Social and mutual intercourse among the states.

ART. 2. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ART. 3. The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. 4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided, that such

[1] This article 4 is written on a separate sheet and marked as an insert at this point.

as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state to any other state of which the owner is an inhabitant; provided, also that no imposition, duties or restriction shall be laid by any state on the property of the united states or either of them.[1]

~~Full faith~~ If any person guilty of or charged with treason, felony or other high misdemeanor in any state shall flee from justice and be found in any of the united states, he shall upon demand of the governor or executive power of the state from which he fled ~~from~~ be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ART. ~~4~~ 5. For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November in

Manner of constituting the Congress of the states, with the qualifications and privileges of the delegates.

restrictions shall not extend so far as to prevent the removal of property, imported into any State, to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the legislature of each State shall direct, to meet in Congress, on the 1st Monday in November in every year, with a power reserved to each State to recal its delegates, or any of them,

[1] This paragraph, beginning with the words "and the people of each state," and word for word with the adopted form, is found on two slips of paper, in the writing of Elbridge Gerry, in the *Papers of the Continental Congress*, No. 47, folio 99—1–2.

every year, with a power reserved to each state to recall its delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year.[1]

No state shall be represented in Congress by less than two nor by more than seven members, and no person shall be capable of being a delegate for more than three years in any term of six years: nor shall any person being a delegate be capable of holding any office under the united states for which he or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states and while they act as members of the committee of the states.

In determining questions in the united states in Congress assembled each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of congress. And the members of congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from and attendance on Congress, *except for treason* felony or breach of the peace.

at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other[2] for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress: and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, *except for treason*, felony, or breach of the peace.

[1] From this point to Art. 6 was written on a separate sheet for insertion.

[2] In the official copy of the articles, printed by Bailey, signed by Laurens, and sent to the States, the words "any other" were struck out and "another" written in by Laurens.

ART. ~~5~~ 6. No state without the consent of the united states in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the united states or any of them accept of any present, emolument, office or title of any kind whatever from any king, prince, or ~~state~~ foreign state; nor shall the united states in Congress assembled, or any of them grant any title of nobility.

~~ART. 6.~~[1] No ~~state~~ two or more states shall enter into any treaty, confederation or alliance whatever between them without the consent of the united states in Congress assembled, specifying accurately the purposes for which the same is to be entered into and how long it shall continue.

Restraints upon the separate states

~~ART 7.~~[1] No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the united states in Congress assembled with any king, prince or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

ART. 6. No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person, holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance, whatever, between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

[1] In the second copy this paragraph is numbered Art. 7, and the marginal caption is set against Art. 6 as above.

~~Art. 8.~~[1] No vessels of war shall be kept up in time of peace, by any state, except such number only as shall be deemed necessary by the united states in Congress assembled for the defence of such state or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only as in the judgment of the united states in Congress assembled shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field pieces and tents and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war &c.[2]

No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defence of such State or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide, and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or

[1] The second copy has no number against this paragraph.

[2] See Art. 12. In the second copy the article is inserted properly.

reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ART. ~~9~~ 7. When land forces are raised by any state, for the common defence, all officers of or under the rank of colonel shall be appointed by the legislatures[1] of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state, which first made the appointment.

Mixed right of Congress and the separate states.

ART. ~~10~~ 8. All charges of war and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in Congress assembled shall be defrayed out of a common treasury, which shall be supplied by the

Manner of defraying public expences.

ART. 7. When land forces are raised by any State for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct; and all vacancies shall be filled up by the State which first made the appointment.

ART. 8. All charges of war and all other expences, that shall be incurred for the common defence or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land

[1] "Legislature" in second copy.

several states in proportion to the value of all lands within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in Congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in Congress assembled.[1]

ART. 11. Every state shall abide by the determinations of the united states in Congress assembled, on all questions, which by this confederation are submitted to them.

~~ART. 12.~~ No state shall engage in any war without the consent of the united states in Congress assembled, unless such state be actually invaded by enemies or shall have received certain advice of a resolution being formed by some nation of indians to invade such state and the danger is so imminent as not to admit of a delay till the united states in Congress assembled can be consulted; nor shall any state grant commissions, to any ships or vessels of war, nor letters of marque or reprisal, [insert the parenthesis below at X] (unless such state be infested by pirates, in which case vessels of war may be fitted out for that occ- within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States, in Congress assembled.

[1] In the second copy Art. 14 follows.

casion and kept so long as the danger shall continue or until the united states in Congress assembled shall determine otherwise) except it be after a declaration of war by the united states in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in Congress assembled: X Unless &c.[1]

ART. 13. ~~In determining questions in the united states in Congress assembled, each state shall have one vote.~~

ART. 14.[2] The united states in Congress assembled shall have the sole and exclusive right and power of determining on peace and war except in the cases mentioned in the ~~twelfth~~ 6th article; of sending and receiving ambassadors; entering into treaties and alliances; provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases what captures on land or water shall be

ART. 9. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the 6th article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and

[1] The part in parenthesis was lifted from the middle of the paragraph and placed at the end.

[2] In the second copy there is a marginal caption: "Powers of Congress."

legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The united states in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states, concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if

in what manner prizes, taken by land or naval forces in the service of the United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining, finally, appeals in all cases of captures; provided, that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority, or lawful agent of any State, in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in ques-

they cannot agree, Congress shall name three persons out of each of the united states, and from the list of such persons, each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: And if either party shall neglect to attend at the day appointed without shewing reasons, which Congress shall judge sufficient, or being present shall refuse to strike,[1] the secretary of Congress shall ~~do it~~ strike in behalf of *such* party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final

tion; but, if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless pro-

[1] In the margin of the first copy is written: "Q. Congress shall proceed to nominate three persons out of each state the." In the second copy the phrase is incorporated into the text.

and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress and lodged among the acts of Congress for the security of the parties concerned; provided that every commissioner before he sits in judgment shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question according to the best of his judgment without favour, affection or hope of reward;" provided, also that no state shall be deprived of territory for the benefit of the united states.[1]

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants, are adjusted; [the said grants or either of them][2] being at the same time claimed to have originated antecedent to such settlement of jurisdiction; shall, on the petition of either party, to the Congress of the united states, be finally determined, as near as may be in the same manner as is before

ceed to pronounce sentence or judgment, which shall, in like manner, be final and decisive, the judgment or sentence and other proceedings being, in either case, transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward:" provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions, as they may respect such lands and the states which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before pre-

[1] This paragraph, in almost the same words, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 47, folio 101.

[2] These words were written on the margin by James Duane. In the second copy they are incorporated.

prescribed for deciding disputes respecting territorial jurisdiction between different states.[1]

The united states in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority or by that of the respective states; fixing the standard of weights and measures throughout the united states; regulating the trade and managing all affairs with the indians, not members of any of the states, provided, that the legislative right of any state within its own limits be not infringed or violated; establishing and regulating post offices from one state to another throughout all the united states, and exacting such postage on the papers passing through the same as may be requisite to defray the expences of the said office; appointing all officers of the land forces in the service of the united states excepting regimental officers; appointing all the officers of the naval forces and commissioning all officers whatever in the service of the united states; making rules for the government and regulation of the said land and naval forces and directing their operations.

The united states in Congress assembled shall have authority to appoint a committee to sit in the

scribed for deciding disputes respecting territorial jurisdiction between different states.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians not members of any of the states; provided that the legislative right of any State within its own limits be not infringed or violated; establishing and regulating post offices from one State to another throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expences of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee to sit in the

[1] This paragraph was written on a separate sheet for insertion. In the second copy it is incorporated.

recess of Congress, to be denominated a *committee of the states*, and to consist~~ing~~ of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year, in any term of three years; ~~and to adjourn to any time within the year so that no period of adjournment be for a longer duration than the space of six months, and to any place within the united states;~~ to ascertain the necessary sums of money to be raised for the service of the united states and to appropriate and apply the same for defraying the public expences; to borrow money or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces and to make requisitions from each state for its quota in proportion to the number of white inhabitants in such state, which requisitions shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner at the expence of the united states,

recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expences; to borrow money or emit bills on the credit of the United States, transmitting, every half year, to the respective states, an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisitions shall be binding; and, thereupon, the legislature of each State shall appoint the regimental officers, raise the men, and cloathe, arm, and equip them in a soldier-like manner, at the expence of the United States; and the officers and men so cloathed, armed, and equipped, shall march to the place appointed and within the time agreed on by the United States, in Con-

and the officers and men so cloathed armed and equiped shall march to the place appointed and within the time agreed on by the united states in Congress assembled.

But if the united states in Congress assembled shall on consideration of circumstances judge proper that any state ~~or states~~ should not raise men, or should raise a smaller number than ~~the~~ its quota ~~or quotas of such state or states~~; and that any other state ~~or states~~ should raise a greater number of men than the quota ~~or quotas~~ thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota ~~or quotas~~ of such state ~~or states~~, unless the legislature of such state ~~or states~~ ~~respectively~~ shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped shall march to the place appointed and within the time agreed on by the united states in Congress assembled.

The united states in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ~~agree upon nor~~ gress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed, and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloathe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed, and equipped, shall march to the place appointed and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the

~~fix~~ ascertain the sums and expences necessary for the defence and welfare of the united states or any of them, nor emit bills, nor borrow money on the credit of the united states nor appropriate money, nor agree upon the number of vessels of war to be built or purchased or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in Congress assembled.

~~No state shall be represented in Congress by less than two nor by more than seven members.~~

~~No person shall be capable of being a delegate for more than three years in any term of six years.~~

~~No person being a delegate shall be capable of holding any office under the united states for which he or another for his benefit receives any salary, fees or emolument of any kind.~~

~~Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from and attendance on Congress, except for treason, felony, or breach of the peace.~~

sums and expences necessary for the defence and welfare of the United States, or any of them: nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the united states ~~in Congress assembled~~ shall have power to adjourn to any time within the year and to any place within the united states; so that no period &c.[1] and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question ~~to~~ shall be entered on the journal, when it is ~~to be~~ desired by any delegate; and the delegates of a state or any of them, at his or their request ~~to~~ shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the legislatures of the several states.

ART. ~~15~~ 10.[2] The committee of the states[3] shall be authorized to execute in the recess of Congress such of the powers of Congress as the united states in Congress assembled by the consent of nine states shall from time to time think expedient to vest them with, provided that ~~they~~ no power be delegated to the said committee ~~no power~~ for the exercise of which by the articles of confederation the voice of

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof, relating to treaties, alliances or military operations, as, in their judgment, require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his, or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ART. 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided, that no power be delegated to the said committee, for the exercise of which, by the articles of confed-

[1] The second copy has incorporated the full phrase "of adjournment be for a longer duration than the space of six months."

[2] In the second copy there is a marginal caption: "Committee of the States and its Powers."

[3] The second copy here adds: "or any nine of them."

nine states in the Congress of the united states assembled is requisite.

Art. ~~16~~ 12. All bills of credit emitted, monies borrowed and debts contracted by or under the authority of Congress, before the assembling of the united states in pursuance of the present confederation, shall be deemed and consided as a charge against the united states, for payment and satisfaction whereof the said united states and the public faith are hereby solemnly pledged.[1]

13. Every state &c: see art. 11.[2]

Art. ~~16~~ 11.[3] Canada according to this confederation and joining in the measures of the united states shall be admitted into and intitled to all the advantages of this union: But no other colony shall be admitted into the same unless such admission be agreed to by nine states.[4]

eration, the voice of nine states, in the Congress of the United States assembled, is requisite.

[See Art. 12.]

Art. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

Art. 12. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congress before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the

[1] This paragraph and the line following are written on a separate sheet for insertion.

[2] In the second copy the words from art. 11 are here incorporated, and there is a marginal caption: "Obligation of States to abide by the Determination of Congress, and the inviolable observance of these articles."

[3] In the second copy is a marginal caption: "Admission of Canada and other States to the union."

[4] The second copy here inserts art. 12: "All bills of credit &c.," and has marginal caption: "Public Faith pledged for past Engagements of Congress."

~~These articles shall be proposed to the legislatures of all the united states to be by them considered, and if approved by them they are advised to authorize their delegates to ratify the same in the Congress[1] of the united states, which being done~~ and the articles of this confederation shall be inviolably observed by every state; and the union ~~is to~~ shall be perpetual: nor shall any alteration at any time hereafter be made in ~~these articles or~~ any of them unless such alteration be agreed to in a Congress of the united states and be afterwards confirmed by the legislatures of every state.

These articles shall be proposed to the legislatures of all the united states to be considered, and if approved of by them they are advised to authorized their delegates to ratify the same in the Congress of the united states which being done, the same shall become conclusive.[2]

United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

These articles shall be proposed to the legislatures of all the United States, to be considered, and if approved of by them, they are advised to authorize their delegates to ratify the same in the Congress of the United States; which being done, the same shall become conclusive.

First motion from New York.[3]

For deciding all Disputes or Differences, which may arise ~~betwixt~~ between any two or more States in the Confederacy concerning Boundaries or Jurisdiction Commissioners shall be

[1] "Assembly" in the second copy.
[2] In the second copy this paragraph is in the writing of James Duane.
[3] In writing of Charles Thomson.

appointed ~~in Con~~ by the United States in Congress assembled by the Ballot of such ~~State or~~ States as have no Claim with Respect to Boundaries or Jurisdiction ~~or with any State of~~ with either of the States, ~~betwixt~~ between which the Matter in Contest, is to be determined, or have Claims with respect to Boundaries, or Jurisdiction founded upon Similar Principles with those upon which the Claim or Claims of ~~any~~ either of the States, betwixt whom ~~the~~ a Controversy subsists, may be grounded, provided ~~always~~, (that no Person shall be capable of being a Commissioner for this Purpose, ~~nor~~ who is an Inhabitant of, ~~either~~ or may ~~be~~ have landed Property in either of the States between which the Matter in Controversy subsists), ~~and that they be appointed the said Commissioners be appointed the Ballott of nine States~~ or who may be Inhabitants of, or have landed Property in any State having a Claim with Respect to Boundary, or Jurisdiction grounded upon similar Principles as that upon which the Claim or Claims of either of the States ~~betwixt~~ in Controversy may be founded, and with respect [to] any Dispute, or Difference, which may arise betwixt any two or more States ~~the United States~~ on any other Cause the united States in Congress assembled shall have full Power to decide the same [so as that no state be deprived of territory for the benefit of the united States].[1]

2 Motion from New York instead of the first withdrawn[2]

"deciding, 'or, at the Request of any State in Controversy with another, appointing by Ballott of States not interested in the Dispute, impartial and disinterested Judges, or Commissioners upon Oath to decide' all Disputes, and Differences now subsisting, or that hereafter

[1] The words in brackets were added in the writing of Charles Thomson. Thomson has written the word "withdrawn" after the paragraph. This motion, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 47, folio 99.

On a loose sheet (folio 99–4) is found the following in the writing of Charles Thomson: "provided that for deciding disputes and differences now subsisting or that may hereafter arise between two or more states concerning boundaries or jurisdictions." On the same sheet he has written: "I would propose to pass the printed paragraph as it stands, adding Mr. Lee's motion, viz: So as no State be deprived &c. and follow it with one of the amendment as a proviso, as above." On the reverse of the same sheet James Duane has written: "Provided that every Commissioner so to be appointed, shall before he sits in Judgement, take a solemn Oath in open Court, to be administered by one of the Judges of the Supreme or Superior Court of the State where the Causes shall be tried, truly and impartially to hear and determine the matter in Question according to evidence; and such determination shall be final and conclusive between the States in Contention and all claiming under them."

[2] In the writing of Charles Thomson.

may arise between two or more States, concerning Boundaries, Jurisdiction or any other Cause whatsoever 'provided that the Judges, or Comm^rs so to be ~~appointed~~ ballotted for be not less in Number than nine, and that each of the States in controversy have a right peremptorily to challenge two out of that Number; and further that no State be deprived of Territory for the Benefit of the United States.'

"N. B: What lines are marked with Quotations, are proposed Amendments to the printed Report of the Committee."[1]

Motion from Connecticut.

For deciding disputes or differences now subsisting or which may hereafter arise between any two or more States, concerning boundaries or jurisdiction, ~~or any other causes whatever,~~ [so as that no state be deprived of territory for the benefit of the united states,] a Court shall be constituted consisting of one of the Judges of the Supreme Court of judicature in each State which is not interested [directly or indirectly] in the point in controversy, to be ~~designated~~ [chosen] by ~~lot fairly drawn~~ [ballot] by the ~~assembly of the~~ United States [in Congress assembled,] ~~or the Council of States~~, on application of the parties or either of them; any ~~seven~~ [five] of said Judges who may be present to be a quorum who shall be duly sworn to hear and determine the cause impartially ~~agreeable~~ [according] to the right of the parties [and the evidence that shall be before them] according to their best skill and judgment, and having rendered Judgment therein shall transmit the record thereof with the evidence to the Assembly of the United States, which shall be conclusive between the parties, and carried into execution by order of said Assembly in such manner as the Nature of the case may require. Provided nevertheless that if either party be agrieved with the Judgment, and shall shew to the satisfaction of said Assembly that there was any unfairness in the trial or that justice has not been done, said Assembly may grant a new trial in manner aforesaid, by other Judges of said Supreme Courts ~~designated by lot~~ chosen by ballot as aforesaid; and if the second judgment shall be in affirmance of the first, it shall be final: but if otherwise, a third trial and no more may be granted by said Assembly, if either party be agrieved and shew sufficient reasons therefor [and with respect to any dispute or difference which may arise betwixt any two or more states

[1] This paper, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 47, folio 105.

on any other cause the united states in Congress assembled shall have full power to decide the same]; and all controveries concerning Titles of Lands wherein the parties claim by Grants under different colonies or Governments, may also be determined by a Court constituted as aforesaid either by original process or appeal, the Plaintiff or appellant giving sufficient Bond with Surety to answer to the adverse party Damage and Cost in case he ~~make~~ does not ~~his plea good~~ support his title.[1]

Ordered, That the committee appointed to revise and arrange the articles ||of confederation,|| have three hundred copies printed and lodged with the secretary, to be subject to the future orders of Congress; ~~and that the articles of confederation, as now agreed to, be entered on the journal.~~[2]

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

A letter, of the 14, from G. Bryan, vice president of the council of Pensylvania, to the delegates of that State in Congress, together with sundry papers relative to Indian depredations on the western frontiers, was laid before Congress and read.[3]

Ordered, That they be referred to a committee of three; the members chosen, Mr. [Daniel] Roberdeau, Mr. [John] Harvie and Mr. [Cornelius] Harnett.

Ordered, That Mr. R[ichard] H[enry] Lee have leave of absence for the recovery of his health.

[1] This motion, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 47, folio 107. The words in brackets were inserted by Charles Thomson.

[2] "The Articles were printed and returned to the president on Friday, November 28, who had them tied in bundles, and gave 18 to the delegates of each State, reserving the rest for himself; so that none came into the Secretary's office. C. T." *Note by Charles Thomson.*

[3] This letter and enclosures are in the *Papers of the Continental Congress*, No. 69, I, folios 433.

Resolved, That a committee of three be appointed to collect and digest the late useful discoveries for making molasses and spirits from the juice of corn stalks, and report a plan for communicating the said discoveries to the inhabitants of the several states.

The members chosen, Mr. [Elbridge] Gerry, Mr. [Richard] Law and Mr. [Daniel] Roberdeau.

Resolved, That a copy of the letter from J. Bradford, dated Boston, 16 October, 1777, to the Secret Committee, be transmitted to the cloathier general, to the quarter master general, and to the Board of War; that the cloathier general, without delay, appoint a deputy in each State, if he hath not already made such appointments; that the cloth for soldiers' cloathing, mentioned in the said letter to be imported into Bedford for account of Congress, be delivered to the cloathier general, or his order; the bales of tents to the quarter master general or his order; and that the Board of War give directions respecting the arms mentioned in the said letter; that the receipts taken on the delivery, be forthwith transmitted to the Commercial Committee; that the cloathier general be directed immediately to give orders to his deputy for the State of Rhode Island, to receive the said cloth for soldiers' cloathing, and procure the making up the same into cloaths there or elsewhere, as soon as may be, and to forward them with the utmost despatch to General Washington's army; that the cloathier general, also write to the governor and council for the State of Rhode Island, requesting them, in case the person appointed by him as his deputy should decline acting, to appoint a suitable person for that purpose, and forwarding the same as above directed; and the said governor and council are requested to make such appointment accordingly, and to give every necessary aid to the above important business.

The committee appointed to consider the applications of foreign officers, &c., having had under consideration the memorials of Chevalier Crenis,[1] Monsieur Dorset, and Chevalier de la Colombe, report:

That although the committee are sensible of the zeal and good intentions of the Chevalier Crenis and Monsieur Dorset in their wishes to serve the United States, yet when they reflect upon the circumstances of the American army, and consider that the number of officers now in commission are greatly disproportionate to the soldiers to be commanded, they cannot venture to recommend the said Chevalier Crenis as lieutenant colonel and Monsieur Dorset as major in the service of the United States, which ranks are respectively desired by the gentlemen aforesaid:[2]

That considering the expences these gentlemen have incurred, and the inability stated by Monsieur Dorset of returning to his own country, they submit it to the wisdom of Congress, whether it may not be expedient to furnish the necessary aid for this purpose.

That with regard to the Chevalier de la Colombe, for whom the Marquis de la Fayette requests a captain's commission in the American service, your committee think the same may be granted: [as the Chevalier may be usefully employed in the quality of captain in the family of the Marquis during his service in the American service.][3]

[1] A memorial from Crenis is in the *Papers of the Continental Congress*, No. 41, II, folio 37.

[2] This paragraph read in the original report: "are so greatly disproportionate to the men to be commanded, that it will be proper during the course of this winter to dismiss a considerable number of the American officers as supernumerary, &c."

[3] The sentence in brackets was omitted in the printed resolutions. This report, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 41, II, folio 33.

The said report being read, on the question put to agree to the first paragraph, resolved in the affimative.

~~The second paragraph was taken into consideration, and a motion being made to grant Monsr. Dorset a sum to defray his expences to France, and the question put, Passed in the negative.~~

The third paragraph was read, whereupon,

Resolved, That a captain's commission be granted to the Chevalier de la Colombe.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 17, 1777

Edward Langworthy, and Joseph Wood, two of the delegates from Georgia, attended and produced the credentials of their appointment, which were read as follows:

STATE OF GEORGIA.

HOUSE OF ASSEMBLY, Saturday, June 7, 1777.

"The house proceeded to the choice of continental delegates, when it appeared that the following gentlemen were duly elected, to wit, Nathan Brownson, Edward Langworthy, Joseph Wood, Lyman Hall, and George Walton, esqrs.

A true extract from the minutes,

JAMES WOOD, JUN. *Cl. H. A.*

Mr. [Francis] Dana, a delegate from Massachusetts bay, and Mr. [William] Ellery, a delegate from Rhode Island, attended and took their seats in Congress.

Congress resumed the consideration of the second paragraph in the report of the committee to whom was referred the application of foreign officers, and it appearing that Mons[r] Dorset had arranged himself and obtained the commission of a lieutenant among the officers who ac-

companied Mons[r] du Coudray, and who on the 15 day of September last, composed themselves into a corps of volunteers under Mons[r] du Coudray, as a captain in the service of the United States:

Resolved, That 200 dollars be ~~advanced~~ presented to Mons[r] Dorset as a gratification for his services and expences in America, and that a bill of exchange be drawn in his favour on the commissioners of Congress at the court of France, for 900 livres to pay his passage to France and defray his expences to Paris.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the Chevalier du Portail be appointed to the rank of brigadier general, Mons[r] de Laumoy and Mons[r] de la Radière to that of colonel, and Mons[r] Gouvion to that of lieutenant colonel, in the army of the United States; the said gentlemen to be employed as heretofore in the capacity of engineers.[1]

A letter of advice of the 14 April last, from J. Rutledge, with sundry bills of exchange ||drawn by Colonel Kennon,|| was laid before Congress:

Ordered, That the same be referred to the Board of Treasury.

Ordered, That Mr. [Henry] Marchant have leave of absence.

The committee appointed to arrange the articles of confederation, and prepare a circular letter to accompany it to the several states, brought in the following draught:

In Congress, York Town, 17 November, 1777.

Congress having agreed upon a plan of confederacy for securing the freedom, sovereignty, and independence of the United States, authentic copies are now transmitted for the consideration of the respective legislatures.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 479.

This business, equally intricate and important, has, in its progress, been attended with uncommon embarrassments and delay, which the most anxious solicitude and persevering diligence could not prevent. To form a permanent union, accommodated to the opinion and wishes of the delegates of so many states, differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish.

Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular State. Let it be remarked, that, after the most careful enquiry and the fullest information, this is proposed as the best which could be adapted to the circumstances of all; and as that alone which affords any tolerable prospect of a general ratification.

Permit us, then, earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils and all our strength, to maintain and defend our common liberties: let them be examined with a liberality becoming brethren and fellow-citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble; and finally, let them be adjusted with the temper and magnanimity of wise and patriotic legislators, who, while they are concerned for the prosperity of their own more immediate circle, are capable of rising superior to local attachments, when they may be incompatible with the safety, happiness, and glory of the general Confederacy.

We have reason to regret the time which has elapsed in preparing this plan for consideration: with additional solicitude we look forward to that which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value

of our money, enable us to maintain our fleets and armies, and add weight and respect to our councils at home, and to our treaties abroad.

In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty and safety; blessings which, from the justice of our cause, and the favour of our Almighty Creator visibly manifested in our protection, we have reason to expect, if, in an humble dependence on his divine providence, we strenuously exert the means which are placed in our power.

To conclude, if the legislature of any State shall not be assembled, Congress recommend to the executive authority to convene it without delay; and to each respective legislature it is recommended to invest its delegates with competent powers ultimately in the name and behalf of the state to subscribe articles of confederation and perpetual union of the United States; and to attend Congress for that purpose on or before the day of

On motion to fill up the blanks with "first" and "May," ~~or as much sooner as possible~~

New Hampshire,			*Pennsylvania*,		
Mr. Folsom,	ay	ay	Mr. Roberdeau,	no	no
Massachusetts Bay,			Clingan,	no	
Mr. Gerry,	ay		*Maryland*,		
Lovell,	ay	ay	Mr. Rumsey,	no	*
Dana,	no		*Virginia*,		
Rhode Island,			Mr. R. H. Lee,	no	
Mr. Marchant,	no	no	F. L. Lee,	no	no
Ellery,	no		Harvie,	no	
Connecticut,			*North Carolina*,		
Mr. Dyer,	no		Mr. Penn,	no	no
Law,	no	no	Harnett,	no	
Williams,	ay		*South Carolina*,		
New York,			Mr. Laurens,	no	no
Mr. Duane,	no	*	*Georgia*,		
New Jersey,			Mr. Langworthy,	no	no
Mr. Elmer,	no	no	Wood,	no	

So it passed in the negative.

It was then moved to fill the first blank with "tenth," and second ||with|| "March next," and the question being put,

Resolved in the affirmative.

It was moved, to add after "next" these words "if practicable;"

New Hampshire,			*Pennsylvania*,		
Mr. Folsom,	ay	ay	Mr. Roberdeau,	no	no
Massachusetts Bay,			Clingan,	no	
Mr. Gerry,	ay		*Maryland*,		
Lovell,	ay	ay	Mr. Rumsey,	no	*
Dana,	ay		*Virginia*,		
Rhode Island,			Mr. R. H. Lee,	no	
Mr. Marchant,	no	no	F. L. Lee,	no	no
Ellery,	no		Harvie,	no	
Connecticut,			*North Carolina*,		
Mr. Dyer,	no		Mr. Penn,	no	no
Law,	no	no	Harnett,	no	
Williams,	ay		*South Carolina*,		
New York,			Mr. Laurens,	no	no
Mr. Duane,	no	*	*Georgia*,		
New Jersey,			Mr. Langworthy,	no	no
Mr. Elmer,	no	no	Wood,	no	

So it passed in the negative.

The letter being agreed to,

Ordered, That thirteen copies be made out, signed by the president, and forwarded to the several states, with copies of the confederation.

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Met.

Resolved, That Mr. [Francis] Dana, Mr. [William] Ellery, and Mr. [Joseph] Wood, be appointed members of the Marine Committee, in the room of those from

their respective states, who are absent or have leave of absence.

Resolved, Three members be elected for the Committee of Appeals, in the room of Mr. President, Mr. J[ohn] Adams, and Mr. [Henry] Marchant:

The members chosen, Mr. [John] Harvie, Mr. [Francis] Dana, and Mr. [William] Ellery.

Resolved, That two members be added to the Board of War:

The members chosen, Mr. [Francis] Dana, and Mr. J[onathan] B[ayard] Smith.

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.||

TUESDAY, NOVEMBER 18, 1777

A letter, of the 12, from General Mifflin, declaring his acceptance of the appointment which Congress have been pleased to make of him as one of the new Board of War, was read.[1]

Sundry letters, viz., one of the 2d, from Brigadier Hand; one, from Arch: Steel; and one, of the 1st, from J. Boreman, at Fort Pitt, directed to Colonel G. Morgan, were laid before Congress.

One, of the 10, from General Gates, at Albany, with sundry papers enclosed;

One, of the 6, from Hezekiah Van Orden, with an affidavit enclosed.[2] *Ordered*, That it be sent to Governor Clinton of New York.

[1] This letter is in the *Papers of the Continental Congress*, No. 161, folio 28.

[2] The letter of Van Orden is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 55. That of the New York Council of Safety in No. 67, II, folio 87.

One of the 5th from the Council of Safety of New York, were read:

The Committee of the Treasury brought in a report, which was taken into consideration: Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq[r] commissioner of the loan office for the State of Pensylvania, in favour of William Henry, Esq[r] of Lancaster, for 10,000 dollars, for the purchase of shoes and leather for the use of the army, the said W. Henry to be accountable:

Ordered, That a warrant issue on Josiah Clarke, Esq[r] commissioner of the loan office for the State of Rhode Island, in favour of the Marine Committee, for 20,950 dollars, to enable Daniel Tillinghast, Esq[r] to pay a balance due to the commissioners who built the frigates; the said committee to be accountable:

Ordered, That a warrant issue in favour of Brigadier General du Portail, for 400 dollars, advanced to him, and for which he is to be accountable:[1]

Ordered, That there be paid to Colonel R[ichard] H[enry] Lee, Esq[r] pursuant to an order of Patrick Henry, Esq[r] governor of Virginia, the sum of 50 dollars, for transporting the baggage of Baron de Kalb from Williamsburg to York town, and to be charged to the account of the Baron de Kalb:

Ordered, That a warrant issue in favour of Dr. Jonathan Elmer, for 700 dollars, advanced to, and to be charged the State of New Jersey, at the request of Dr. Elmer, a delegate of the said State.[2]

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

Whereas, Congress is informed that there is now in York town a certain John Brown, who, after the enemy

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 483.

[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 481.

took possession of Philadelphia, came out of that city, as he says, on private business, and obtained leave from our general to pass into the country; that, after going through a considerable part of this State, he, the said John Brown, returned to Philadelphia, and is again come out without a flag or pass from any general or officer in the service of the United States, pretending that he is charged with a verbal message to Congress from General Howe; and whereas such conduct administers just grounds of suspicion that he is employed by the enemy for purposes inimical to these states:

Resolved, That the Board of War cause the said John Brown to be arrested and sent under guard to the executive council of Pensylvania, to be dealt with as they, in their wisdom, may deem fit and proper.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 19, 1777

A letter, of the 30 October, from E. Hancock, deputy pay master general in the eastern department, with his monthly account:

One, of the first November, from B. Harrison, deputy pay master general in Virginia, with his monthly account;

A letter, of the 11, from General Sullivan, were read.[2]

Ordered, That the two former be referred to the Board of Treasury.

Ordered, That the letters from Fort Pitt be referred to the committee on Mr. ||Vice president|| Bryan's letter of the 14.

[1] See *Colonial Records of Pennsylvania*, XI, 345, 347.

[2] This letter is in the *Papers of the Continental Congress*, No. 160, folio 89.

Ordered, That the return of ordnance, &c. taken from the enemy, which was enclosed in General Gates's letter of the 10th, and the letter from the council of safety of New York, be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [William] Duer, and Mr. [Francis] Dana.

Ordered, That the letter of General Gates, with the other papers enclosed, be referred to the Board of War.

Congress being informed that there is a quantity of leather on the way to this town from North Carolina; ~~which may be purchased;~~

Ordered, That the Board of War purchase the same, and take measures to have it made into shoes for the use of the army.

Congress having received information, through various channels, that the American soldiers and other inhabitants of the United States of America, whom the fortune of war hath made prisoners to the British army under command of General Howe, are now imprisoned in Philadelphia, and treated with such shocking inhumanity that numbers expire in the prison yard for want of food; and whereas, such treatment of the American prisoners is not only inconsistent with the practice of civilized nations, but totally the reverse of that humane treatment which the British prisoners have uniformly received in these united states:

Resolved, That General Washington be desired to make strict enquiry into the truth of this information, and to report to Congress, as soon as possible, the result of his enquiries.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That David Poe be appointed quarter master for the town of Baltimore, in the State of Maryland, in

the room of, and for the purpose for which Jared Hopkins, who declines acting, was appointed.[1]

Resolved, That the resolution passed the 2d [1] of October last, for sitting twice a day, be repealed, and that, after this day, the Congress sit but once a day; that they meet at ten o'clock precisely. ~~The bell to ring at 3/4 after 9, and continue to ring 1/4 of an hour.~~

The Committee of the Treasury brought in a report, which was read; Whereupon,

Ordered, That a warrant issue on the Treasurer in favour of the Board of War, for 300,000 dollars, to be by them forwarded to William Palfrey, Esq[r] pay master general, who is to be accountable:

Ordered, That there be advanced to the president 1,000 dollars, to pay expresses and other contingent expences, for which he is to be accountable; and that an authenticated copy of this resolution shall be a sufficient voucher to the treasurer for the payment of this sum:

Ordered, That a duplicate warrant in favour of Jonathan Trumbull, Jun[r] Esq[r] deputy pay master general of the northern department, issue on the loan office Massachusetts bay, for 200,000 dollars, to serve in case a warrant for the like sum, in favour of Mr. Trumbull, dated 16 October last, in consequence of an order of Congress of the same day, on the office aforesaid, should not be received by him.

Resolved, That it is the opinion of this Committee that the Pay of Jonathan Trumbull jun[r], Esq[r], Pay Master General of the Northern Department, ought to be augmented [to one hundred and twenty five Dollars p[r] Mo.]

[1] This report, dated the 19th, and in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 387.

~~To take place from the time of the Augmentation of the Pay of Mr. Palfrey, Paymaster General.~~[1]

Adjourned to 4 o'Clock.

FOUR O'CLOCK, P. M.

The Medical Committee brought in a report, which was taken into consideration; Whereupon,

Resolved, That the cloathier general be directed to deliver to the director general of the military hospitals, the deputy directors general, or their assistants, for the use of the sick and wounded of the several departments, a proportionable share of the blankets, shirts, shoes, and stockings, he shall, from time to time, procure for the supply of the army:

That the director general of the hospitals be authorized to cause stoves to be erected in the different hospitals, in case he shall think such a measure will conduce to make up for the present scarcity of blankets and cloathing, or to the greater comfort of the sick; and that the waggons annexed to the hospital department be employed, as much as possible, in the transportation of fuel for the respective hospitals.

A letter, of the 6, from General Mifflin to Colonel R[ichard] H[enry] Lee, on the subject of the quarter master general, was laid before Congress, and read:

Ordered, That the same be referred to the new Board of War, so soon as they meet, and that they be directed to report a plan of conducting the business of the quarter master general.

The committee to whom the letter from the vice president of Pensylvania, and the letters from Fort Pitt, were

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 485. The words in brackets were added by Henry Laurens. The erased lines are in the writing of Roger Sherman. See under November 22, *post*.

referred brought in a report, which was taken into consideration; and, after debate,

Resolved, That the farther consideration thereof be postponed till to Morrow.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 20, 1777

Congress resumed the consideration of the report of the committee to whom were referred the letter from G. Bryan, Esq^r. ||the vice president of Pensylvania,|| and the letters from Fort Pitt, which is as follows, viz.:

That an inroad has been made on the western frontiers of Virginia and Pensylvania, by some savage tribes of Indians, wherein a number of helpless people have been cruelly massacred, and the peaceable inhabitants driven from their homes and reduced to great distress:

That from a number of papers styled proclamations,[1] under the hand and seal of Henry Hamilton, lieutenant governor of Fort Detroit, left by the Indians where they committed their murders, and of which there is one now in the possession of your committee, as well as from other information and circumstances, it appears that these savages have been instigated by British agents and emissaries, and particularly by the said H. Hamilton, to this barbarous and murderous war.

Your committee apprehend, that so long as that post continues to be garrisoned by British troops who are restrained by no laws of humanity from using every means to accomplish their purpose of subjugating these states, those frontiers will be incessantly exposed to the barbarous ravages of the Indian tribes under their influence.

That by means of the said agents and emissaries a dangerous spirit of disaffection has been excited and fomented among some worthless and evil-disposed persons on the said frontiers, who, lost to all senti-

[1] One of these proclamations, dated Detroit, June 24, 1777, is in the *Papers of the Continental Congress*, No. 78, II, folio 427. It was sent by the Delawares to George Morgan in March, 1778.

ments of virtue, honor, or regard for their country, have been induced to aid our remorseless enemy.

That the Shawanese and Delaware Indians continue well affected and disposed to preserve the league of peace and amity entered into with us; for which reason they are threatened with an attack by their hostile neighbours who have invaded us, and are at the same time exposed to danger from the attempts of ill-disposed or ill-advised persons among ourselves.

Your committee therefore are of opinion, that for the safety and security of the frontiers, as well as to preserve the public faith of these United States, plighted to our Indian allies, speedy and effectual measures ought to be taken to suppress the spirit of disaffection among our own deluded people, to repel and put a stop to the hostile invasions of our enemies, to protect our Indian allies, and confirm them in their good disposition, and to remove, if possible, the cause from whence all the evils in that quarter arise. For which purpose your committee submit the following resolutions,

Resolved, That three commissioners be appointed to repair, without delay, to Fort Pitt; that they be instructed to investigate the rise, progress, and extent of the disaffection in that quarter, and take measures for suppressing the same, and bringing the deluded people to a sense of their duty:

That the said commissioners be invested with full power to suspend for misconduct any officers in the service of the United States employed in that quarter, and appoint others in their room, and to confine, in safe custody, all such officers against whom they shall have satisfactory proof of being offenders against the rights and liberties of America:

That the said commissioners be directed to cultivate the friendship of the Shawanese and Delawares, and prevent our people from committing any outrages against them:

That they be empowered to engage as many of the Delaware and Shawanese warriors in the service of the United States as they judge convenient:

That they be empowered and directed, for effectually checking the progress of the enemy, to concert with Brigadier General Hand a plan of carrying the war into the enemy's country, and cause the same to be executed with all convenient despatch:

And in order to prevent such barbarous incursions for the future, that the said commissioners be empowered to cause the operations of

the war to be extended against the British garrison at Detroit and its dependencies, provided the reduction of that fortress can, in their opinion, be effected at this season of the year, and the whole can be accomplished by a force not exceeding two thousand men, exclusive of Indian auxiliaries:

That it be earnestly recommended to the legislative powers of Virginia and Pensylvania, to invest the commissioners with every necessary authority over their respective militias, to empower them to arrest and commit for trial such of their respective inhabitants on the western frontiers as shall appear to have been concerned in any conspiracy or plot against the United States; and otherwise to afford the said commissioners such assistance as shall be necessary to prosecute with vigour the measures that they may adopt in consequence of these resolutions.

Upon the question put,

Resolved, That Congress agree to the report of the committee.

Resolved, That General Washington be requested to send Colonel William Crawford to Pittsburg, to take command, under Brigadier General Hand, of the continental troops and militia in the western department.

The committee appointed to enquire into the conduct of Colonel G. Morgan, brought in a report; Whereupon,

Resolved, That the case of Colonel G. Morgan be included in the business referred to the consideration of the commissioners who are to be appointed for various purposes on the western frontiers: that, in the mean while, Colonel Morgan be restored to the appointment of agent for Indian affairs, and that he be appointed deputy commissary general of purchases in the western district.

A letter, of this day, from Alexander Gillon, was read:

Ordered, That it be referred to the Committee of Commerce.

Congress proceeded to the election of commissioners to proceed to Fort Pitt, and the ballots being taken, Colonel

Samuel Washington, Mr. Gabriel Jones, and Colonel Joseph Reed, were declared to be elected.

Upon declaring the election,

It was moved, whether Colonel J. Reed, being elected by ballot, not being nominated to the office before the balloting was gone into, is elected agreeable to the usage and practice of this house? And on the question put,

Resolved in the negative.

Colonel Reed being then nominated, Congress proceeded to a new election, and the ballots being taken, Colonel Joseph Reed was elected.

Resolved, That the hour of two P. M. be fixed on for the time of adjourning.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 21, 1777

A letter, of the 17, from General Washington, at White Marsh, with sundry papers enclosed.

A letter, of the 12, from R. H. Harrison, expressing his obligation to Congress for the honour done him in appointing him a member of the Board of War, which, from a sense of his being unequal to the various important duties of the office, he wishes to decline.

A letter, of the 13, from Colonel T. Pickering, declaring his acceptance of the appointment to the Board of War.

A letter, of the 11, from Governor Livingston of New Jersey, were read:[1]

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 191. It is printed in *Writings of Washington* (Ford), VI, 200. The letter of Harrison is in No. 78, XI, folio 253; and that of Livingston in No. 68, folio 293.

Ordered, That the letter from Paul Zantzinger to Brigadier Wayne, enclosed in General Washington's letter, together with such part of the said letter as relates thereto, be referred to the Board of Treasury:

That the letter from General Washington, with the other papers enclosed, and the letter from Governor Livingston, be referred to the Board of War.

A petition from Thomas Moore, with an account enclosed, was read:

Ordered, That it be referred to the Board of Treasury, who are directed to report specially thereon.

A petition from sundry inhabitants of Sharpsburg, and a memorial from sundry officers, prisoners there, also a petition from John Sumner, were read:[1]

Ordered, That they be referred to the Board of War.

Whereas all the commissioners of the Board of War have not yet attended, and it is essential to the public good that several matters referred to the consideration of the said commissioners should be immediately entered upon,

Resolved, That any one or more of the Commissioners of the Board of War, together with any two members of the committee which constituted the late Board of War, be authorised to execute the trust reposed in the commissioners of the war office in pursuance of the resolution of Congress of the 17 October last, till such time as the commissioners shall enter on the execution of their department or till Congress shall determine otherwise.[2]

Resolved, That Silas Deane, Esq. be recalled from the court of France, and that the Committee for Foreign Affairs be directed to take proper measures for speedily communicating the pleasure of Congress herein to Mr.

[1] The petition and memorial from Sharpsburg are in the *Papers of the Continental Congress*, No. 42, VI, folios 11 and 13. The petition of Sumner is in No. 42, VII, folio 37.

[2] In the margin is written, "next day repealed."

Deane and the other commissioners of the United States at the court of France.

Resolved, That Monday next be assigned for choosing a commissioner to the court of France, in place of Silas Deane, Esq^r.[1]

The committee to whom were referred the return of ordnance, &c. taken from the enemy, and the letter from the council of safety of New York, brought in a report, which was taken into consideration; and after debate,

Resolved, That the same be re-committed.

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.||[2]

[1] In the *Papers of the Continental Congress*, No. 19, III, folio 165 is a memorandum in the writing of Henry Laurens: "Nominations 21st Nov^r A. M. for a commissioner, the Court of France. Mr. Dana, Mr. Jas. Wilson, ~~Marquis de la Fayette, Col. R. H. Lee,~~ Mr. John Adams, Col. Jos. Reed.

[2] "Inclosed I send you a Copy of the Confederation, the Eighth article of which respects Taxation, and has given me great uneasiness, as I cannot see any Justice in the Rule therein laid down, for proportioning the several States with the charges of the present war. In the first place, it appears to me that one third part of the wealth of the Southern States which consists in Negroes, is entirely left out, and no notice taken of them in determining their ability to pay taxes, notwithstanding it is by them that they procure their wealth; neither are we to have any advantage of them in proportioning the number of men to be drawn from the several States to carry on the war, that being fixed on the number of white inhabitants in each State, so that by their negroes being left at home, they can till their lands and get bread and riches, while some other States may be greatly distressed. In the next place, the wealth that is in some States more than there is in others, by no means fixes a proportionable Value on the Lands in such States,—which if this be true, seems to prove that the plan laid down by Congress is not just: These are my own thoughts on this head; but refer you to your own better judgment on them. It seems to be the sense of Congress, that if any of the Articles of Confederation, should be thought hard of or unequal to any of the States, that they will make a representation of the same to Congress, with the reasons of their disapprobation to such articles, in order if possible to give satisfaction and ease to each and every of the States. The time fixed on for the several Legislatures, to determine on these great Points, is by some members thought too short; but I make no doubt but they will take as much time to deliberate thereon as may be thought just and necessary." *Nathaniel Folsom to Meshech Weare*, 21 November, 1777. *New Hampshire StatePapers*, VIII, 755.

SATURDAY, NOVEMBER 22, 1777

A letter, of the 21, from Colonel G. Morgan, was read: Whereupon,[1]

Resolved, That the resolution of Congress of the 15 day of October last, directing that no assistant purchasing commissaries be appointed for the western districts, be not extended to the temporary appointments of such officers, and that the commissary general of purchases be directed to authorize the deputy commissary general of purchases for the said district to make such appointments when he, the said commissary general, shall judge it necessary.

A letter, of the 21, from W. Buchanan, commissary general of purchases, was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, ~~Mr. R. H. Lee~~, Mr. [William] Duer, Mr. [Elbridge] Gerry, and Mr. [Daniel] Roberdeau.

Ordered, That the committee attend immediately to this business, and that they confer with General Mifflin.

A letter, from Mons[r] Crenis, was read:

Ordered, That the consideration thereof be postponed.

A letter from Charlotte, the wife of Colonel Antil, was read:[3]

Ordered, That the same be referred to the Board of War.

The committee to whom were referred the return of ordnance and stores taken from the enemy since the 19th day of September, and the letter from the council of safety of New York, and to whom their former report

[1] This letter is in the *Papers of the Continental Congress*, No. 163, folio 297.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, II, folio 301.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 131.

was re-committed, they having taken the same into consideration, beg leave to observe,

That there is no mention in the said return of standards, military chest, medicines or tents; that the quantity of powder is very small, being only 15 barrels grained and 2 barrels mealed, and the quantity of fixed ammunition very inconsiderable; that the muskets amount only to 4,647, a number not equal to the prisoners who surrendered agreeable to the convention of Saratoga, and all these muskets, are returned unfit for service; that there are only 638 cartouch boxes; that the number of bayonets is greatly inferior to the muskets, and these, as well as the cutlasses, are returned "without scabbards" or belts; in short, the whole return seems very inadequate to a well appointed army and to what might be expected from the answers returned by Lieutenant General Burgoyne to the first propositions made by Major General Gates: your committee, therefore, are of opinion, that an enquiry ought to be made into the causes of this deficiency: Whereupon,

Resolved, That the president immediately send an express to General Gates, and desire answers to the following questions, viz.

What is become of the standards belonging to the respective regiments in General Burgoyne's army?

Where is the military chest, and medicines?

What is become of the cartouch boxes?

How comes the quantity of powder and cartridges to be so small?

How comes it that the number of muskets is less than that of the prisoners, and that all the muskets are unfit for service?

How comes the number of bayonets to be so greatly inferior to that of the muskets?

Where are the scabbards and belts of the bayonets and cutlasses?

Was there any destruction, waste, removal or concealment of the arms, tents, colours, treasure, or other military stores, belonging to General Burgoyne's army, from the time the first proposal was made, on the 13 October, to the time of surrender?

What was the state and condition of the arms and military stores when received by General Gates?

Were the arms piled agreeable to the articles of convention? If they were not, did any damage necessarily accrue in consequence of the failure?

And that General Gates be directed to make the necessary enquiries and return his answers to Congress as soon as possible.

Resolved, That it is not to be understood that the embarkation of the troops under Lieutenant General Burgoyne is in any wise to be delayed on account of the foregoing queries if transports arrive before the answers are returned and the enquiry directed is finished.

In debating the foregoing report, it was moved,

That a committee of be appointed to repair immediately to Albany to confer with General Gates on every particular respecting the execution of the convention of Saratoga on the part of General Burgoyne, and that as the basis of their joint enquiries the following points be particularly recommended; and then the questions to follow; and the yeas and nays being required:

New Hampshire,		*Maryland*,	
Mr. Folsom,	no } no	Mr. Smith,	no } no
Massachusetts Bay,		Rumsey,	no }
Mr. Lovell,	no } no	*Virginia*,	
Dana,	no }	Mr. R. H. Lee,	no }
Rhode Island,		F. L. Lee,	no } no
Mr. Ellery,	no } no	Harvie,	no }
Connecticut,		*North Carolina*,	
Mr. Law,	no } no	Mr. Penn,	ay } div.
Williams,	no }	Harnett,	no }
New York,		*South Carolina*,	
Mr. Duer,	ay } *	Mr. Laurens,	no } no
Pensylvania,		*Georgia*,	
Mr. Roberdeau,	no } no	Mr. Langworthy,	no } no
Clingan,	no }		

So it passed in the negative.

It was then proposed to add, ||after the words "and return his answers to Congress as soon as possible,"||

"And whereas it is probable that sufficient evidence cannot be obtained in Albany touching the premises; *Resolved*, that Major General Heath be directed to collect all the evidence he can possibly procure concerning the

state of the arms, tents, standards, treasure, medicines, and other military stores belonging to General Burgoyne's army, before proposals were made for entering into a convention, and whether there was any destruction, waste, concealment or removal of any of the above articles from the time when General Burgoyne's first proposal was made on the 13 October to the time of surrender; and that he transmit to Congress, with all possible despatch and properly authenticated, the evidence which he may so collect:"

On this the previous question was moved, whether that question be now put? and the yeas and nays being required:

New Hampshire,		*Maryland*,	
Mr. Folsom,	no } no	Mr. Smith,	no } no
Massachusetts Bay,		Rumsey,	no }
Mr. Lovell,	no } no	*Virginia*,	
Dana,	no }	Mr. R. H. Lee,	no }
Rhode Island,		F. L. Lee,	no } no
Mr. Ellery,	no } no	Harvie,	no }
Connecticut,		*North Carolina*,	
Mr. Law,	no } no	Mr. Penn,	no } no
Williams,	no }	Harnett,	no }
New York,		*South Carolina*,	
Mr. Duer,	ay } *	Mr. Laurens,	no } no
Pennsylvania,		*Georgia*,	
Mr. Roberdeau,	no } no	Mr. Langworthy,	no } no
Clingan,	no }		

So it passed in the negative.

Congress having received information, that the insidious enemies of the United States of America have endeavoured to propagate in Europe false and groundless reports, that a treaty had been held between Congress and the commissioners of the king of Great Britain, by which it was probable that a reconciliation would take place:

Be it declared and resolved, That the commissioners of the said United States at the several courts in Europe be authorized to represent to the courts at which they respectively reside, that no treaty whatever has been held between the king of Great Britain or any of his commissioners and the said United States since their declaration of independence:

And whereas, the cause of these United States may be greatly endangered, unless such of the European powers as regard the rights of mankind should interpose to prevent the ungenerous combination of other powers against the liberties of the said states:

Resolved, That the commissioners of the United States at the several courts in Europe be directed to apply to the respective courts, and request their immediate assistance for preventing a farther embarkation of foreign troops to America, and also to urge the necessity of their acknowledging the independence of these states.

Resolved, That all proposals for a treaty between the king of Great Britain, or any of his commissioners, and the United States of America, inconsistent with the independence of the said states, or with such treaties or alliances as may be formed under their authority, will be rejected by Congress.

Resolved, That the commissioners of the United States be severally directed to communicate to the respective courts the purport of the first and second resolutions when they shall think it expedient, and to suspend the last until upon a general consultation of the commissioners a majority shall judge it necessary.

Congress resumed the consideration of the report from the Board of Treasury of the 19th; Whereupon,

Resolved, That the pay of Jonathan Trumbull, Jun. Esq^{r} deputy pay master general of the northern depart-

ment, be augmented to one hundred and twenty-five dollars per month:

Resolved, That the sum of one hundred and fifty dollars be allowed to Jonathan Trumbull, Jun. Esq[r] deputy pay master general of the northern department, for his past extraordinary services.[1]

Resolved, That the resolution passed yesterday, relative to the execution of the war department, be annulled, and that the former Board of War be authorized to proceed on the business of that department till such time as a quorum of the commissioners of the war office shall attend.

Congress took into consideration the report of the committee to whom were referred the letter from the Hon. Stephen Hopkins, Esq[r], and the proceedings of the committees from New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut and New York, and for other purposes mentioned in a resolution of Congress of the 10th of September last, and the same being read and debated by paragraphs, was agreed to, as follows:

Pursued by the injustice and the vengeance of ~~the King and Parliament~~ Great Britain, these United States have been compelled to engage in ~~a~~ bloody and expensive war. Amidst ~~much great~~ every distress that ~~they have yet experienced~~ may befal them, it will be their consolation to appeal to Heaven for the rectitude of their measures; since ~~they have her influence~~ they have had recourse to arms, not from ambition or the lust of power, but to resist actual invasion and boundless rapine, and to secure ~~to themselves and to their Posterity~~ the common rights and privileges of human nature: the blessings of freedom and safety ~~that they have had recourse to arms.~~

Aided by venal foreigners and domestic traitors, the war has been prosecuted by our implacable foes with their utmost force and vigour, and aggravated by more than savage barbarity.

[1] This paragraph, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 136, I, folio 487.

Congress, nevertheless, supported by the ~~virtue, patriotism and good faith of their constituents have hitherto raised all the necessary supplies on the publick credit~~ confidence of their fellow citizens, without burthening them with taxes or pecuniary contributions, have hitherto raised all the necessary supplies on the public faith ~~For these purposes~~.

To maintain our fleets and armies, large sums have been emitted in ~~continental~~ bills of credit, and the same ~~expedient~~ method has been ~~adopted~~ embraced by the respective states to answer ~~the demands of their internal governments~~ their internal wants. By these ~~exertions~~ expedients, our paper currency, notwithstanding the ~~settled~~ solid basis on which it is founded, is multiplied beyond the rules of good policy. No truth being more evident, than that where the quantity of money of any ~~quality or~~ denomination exceeds what is useful as a medium of commerce, its comparative value must be proportionably reduced. To this cause, conspiring with the arts ~~and practices~~ of our open and secret enemies, the shameful avidity of too many of our professed friends, and the scarcity of foreign commodities are we to ascribe the depreciation of our currency: the consequences to be apprehended are equally obvious and alarming.[1] They tend to the depravity of morals,——decay of public virtue,——a precarious supply for the war,——debasement of the public faith,——injustice to individuals, and the destruction of the honour, safety, and independence of the United States. Loudly, therefore, are we called upon to provide a seasonable and effectual remedy ~~against those dangerous evils~~.

Blessed be God, they are not ~~unavoidable~~ irremediable.[2] The means of repressing them are still in our own power. Let the virtuous patriots of America reflect on the inestimable value of the prize for which we are contending. Hitherto spared from taxes, let them now with a cheerful heart contribute according to their circumstances. Let the sordid wretches, who shrink from danger and personal service, and meanly prefer their own inglorious[2] ease and emolument to the good of their country, be despised, and their ill-gotten wealth be abhorred as a ~~curse~~ disgrace. Let the extortioner and oppressor be

[1] The original report read as follows:

"If the Depravity of Morals, if the Extinction of publick Virtue, if the Supplies for carrying on the War, ~~if~~ the Interests of Individuals, ~~if~~ the preservation of the publick Faith and the Honour, Safety and Independance of the United States, are Objects, ~~which are~~ worthy of our Concern, we are loudly, &c."

[2] This word was inserted by Henry Laurens.

punished; the secret traitor dragged to light; the necessities of the army attended to and relieved; and the quantity of money in circulation be reduced; and we shall soon see the public credit fully established, and with the continuance of the divine favour, a glorious termination of the present arduous conflict.

To promote these great and salutary purposes, Congress, upon mature deliberation and with the most earnest solicitude, recommend the following propositions to the legislatures of the respective states, to be immediately adopted and carried into effect:

1. *Resolved*, That it be most earnestly recommended to[1] the respective states to raise in the course of the year 1778, commencing on the first day of January next, by quarterly payments, the sum of five millions of dollars, by taxes, to be levied on the inhabitants of the respective states, in the proportions following, viz.

New Hampshire	200,000 dollars,	Pennsylvania	620,000 dollars,
Massachusetts Bay	820,000	Delaware	60,000
Rhode Island & Providence Plantations	100,000	Maryland	520,000
Connecticut	600,000	Virginia	800,000
New York	200,000	North Carolina	250,000
New Jersey	270,000	South Carolina	500,000
		Georgia	60,000
			5,000,000

That the sum so assessed and to be raised shall not be considered as the proportion of any State, but being paid into the treasury shall be placed to ~~each of~~ their respective credit, ~~and~~ bearing an interest ~~allowed thereon~~ of six per cent. per annum, from the time of payment until the quotas shall be finally ascertained and adjusted by the Congress of the United States, agreeable to the confederation hereafter to be adopted and ratified by the several states. And if it shall then appear that any State is assessed more than its just quota of the said tax, it shall continue to receive interest on the surplus, and if less it shall be charged with interest on the deficiency, until by a future tax such surplus or deficiency shall be properly adjusted ~~by the Congress of the United States.~~

2. *Resolved*, That it be earnestly recommended to the legislatures of the several states to refrain from further emissions of ~~paper~~ bills of

[1] These words were inserted by Laurens.

credit, and where there is a sufficient quantity of continental bills of credit for the purposes of a circulating medium, forthwith to call in by loans or taxes and to cancel the paper money, small bills for change under a dollar excepted, which such State has already emitted; and, for the future, to provide for the exigencies of war, and the support of government by taxes to be levied within the year, or such other expedients as may produce a competent supply.

3. And whereas the obstruction of the course of justice in any State may not only prove injurious to its ~~inhabitants~~ citizens, but also to the circulation and credit of the currency of such State and of the United States:

Resolved, *therefore*, That it be recommended to the several states, forthwith to take effectual care that justice be duly administered within their respective jurisdictions, as well for the recovery of debts as for the punishment of crimes and misdemeanors; provided, that no suit or action shall be maintainable for the benefit of the enemies of these United States.

4. And whereas signal advantages have arisen from the establishment of continental loan offices, on which Congress continue to place great dependence; in order, therefore, as far as it is practicable, to ascertain the supplies for the war ~~for the next four months~~ which may be raised in the several states upon loan office certificates;

Resolved, That it be recommended to the legislatures, or, in the recess of any of them, to the executive authority of the respective states, to cause subscriptions to be opened under the inspection of one or more respectable ~~inhabitants~~ citizens within each town or district, specifying the names of the lenders, and the sums they are willing to lend, ~~in monthly payments,~~ and that ~~a copy~~ copies of such subscription papers shall, ~~as soon as possible~~ from time to time, be ~~transmitted~~ delivered to the respective commissioners of the ~~continental~~ said loan offices, and by them ~~forwarded~~ transmitted to Congress; provided, that no certificate shall issue for less than two hundred dollars.[1]

5. *Resolved*, That it be recommended to the legislatures, or, in their recess, to the executive power of the respective states of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pensylvania, and Delaware, respectively, to appoint commissioners to convene at New Haven, in

[1] This last phrase was inserted by Laurens.

Connecticut, on the 15 day of January[1] next; and to the states of Virginia, Maryland, and North Carolina, respectively, to appoint commissioners to convene at Fredericksburg, in Virginia, on the said 15 day of January; and to the states of South Carolina and Georgia, respectively, to appoint commissioners to convene at Charleston, on the 15 day of February next; in order to regulate and ascertain the price of labour, ~~Provisions and other Necessaries for the supply of the fleets and armies of the United States~~ manufactures, internal produce, and commodities imported from foreign parts, military stores excepted; and also to regulate the charges of inn-holders; and that, on the report of ~~such~~ the commissioners, each of the respective legislatures enact ~~such~~ suitable laws, as well for enforcing the observance of such of the regulations as they shall ratify, and enabling such inn-holders to obtain the necessary supplies, as to authorize the purchasing commissaries for the army, or any other person whom the legislature may think proper, to take from any engrossers, forestallers, or other person possessed of a larger quantity of any such commodities or provisions than shall be competent for the private annual consumption of their families, and who shall refuse to sell the surplus at the prices to be ascertained as aforesaid, paying only such price for the same.

6. And in order to introduce immediate œconomy in the public expence, ~~which is become indispensable~~ the spirit of sharping and extortion, and the rapid and excessive rise of every commodity being confined within no bounds; and considering how much time must unavoidably elapse before the plan ~~proposed~~ directed by the preceding resolution can be carried into effect,

Resolved, That it be earnestly recommended to the respective legislatures of the United States, without delay, by their separate authority, to adopt and effectually enforce a temporary regulation of the prices of provisions and other commodities for the supply of the army, in such manner as they shall judge reasonable; and to continue in force until the general regulation before proposed shall be adopted.

~~VII. Resolved, that it be earnestly recommended to the Legislatures of the respective States to [exert themselves to the utmost of their Power] furnish and supply the soldiers already enlisted, or who shall hereafter enlist, as the Quota of their respective States in the Continental Army, with Blankets shoes, stockings and other warm cloathing sufficient to defend them from the Inclemency of the Winter; And~~

[1] The dates were inserted by Laurens.

~~to be delivered out to those who are in the greatest need at such reasonable Prices as shall bear a just Proportion to their wages, the surplus of the cost to be [born] defrayed by the state which shall provide the same.~~[1]

Resolved, That the further consideration of the report be postponed.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

MONDAY, NOVEMBER 24, 1777

A letter, of the 9, from Brigadier General Hand, at Fort Pitt, to the secretary of the Board of War. A letter of the 11, from Colonel Mason, at Williamsburgh; one from Brigadier de Roche Fermoy, with sundry papers enclosed; two letters from Brigadier General Conway, one of the 15, enclosing his commission, which he begs leave to resign, and another directed to Cha. Carroll, or, in his absence, to the secretary of Congress, were read:[2]

Ordered, That the same be referred to the Board of War.

A letter from Preeson Bowdoin, enclosing a bill of exchange drawn by W. Kennon, with a letter of advice from J. Rutledge, Esq[r] president of South Carolina, was read:

Ordered, That the same be referred to the Board of Treasury.

[1] Against this paragraph was written by Laurens, "Postp[d] 22. See detached 2 papers. Recommitted 24th."

The two papers are embodied in the resolution 7, printed under November 26, 1777, *post*. The original of this report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, III, folios 155–163.

[2] The letter of Mason is in the *Papers of the Continental Congress*, No. 78, XV, folio 283; that of Fermoy, in No. 78, IX, folio 129; and that of Conway, in No. 159, folio 461.

The Board of War reported,

"That they have had a conference with General Mifflin on the late establishment made by Congress for conducting the war department, and are unanimously of opinion, that a sufficient number of commissioners have not been appointed for giving due weight to the execution of the regulations which may be recommended by the Board, and adopted by Congress, and particularly for enabling one of the board of commissioners to visit, from time to time, the different armies, posts, or garrisons, in order to see that the regulations adopted by Congress are carried into execution, and to examine what are the wants of the army, and what defects or abuses prevail, from time to time, in the different departments;" Whereupon,

Prio Qu.

That it would further greatly tend to facilitate the Business of the Department, especially at the commencement of the new Establishment, to secure the Continuation of the Services of the Secretary of the late Board of War, who in their opinion has discharged the Duties of an arduous and complicated Department in its infant Stage, with Honour to himself, and much Disinterestedness, and with Fidelity and advantage to the Public.

Postponed.

The Board further beg leave to represent that General Mifflin has expressed a warm Sollicitude that Major General Gates should be appointed President of this Board, from a Conviction that his Military Skill would suggest Reformations in the different Departments of the Army essential to good Discipline, Order and Œconomy, and that his Character and Popularity in the Army would facilitate the execution of such Reformations when adopted by Congress; a Task in the opinion of this Committee more arduous and important, than the formation of any new Establishment, however wise it may be in Theory!

On these principles your Committee are of opinion That two additional Commissioners should be appointed to execute the Department of the War Office in pursuance of the resolution of Congress of the 17th of Oct.r and that any three of the said Commissioners should be a Quorum to transact business, any thing in the former resolutions respecting the Board to the contrary notwithstanding.

The Board are further of Opinion that the Resolution passed on the Inst[t] relative to the Execution of the War Department should be annulled; and that the former Board of War should be authorized to proceed on the Business of that Department, 'till such Time as a Quorum of the Commissioners of the War Office shall attend.[1]

Agreed.

Resolved, That two additional commissioners be appointed to execute the department of the war office, in pursuance of the resolution of the 17 October last, and that any three of the said commissioners be a quorum to transact business, any thing in the former resolutions respecting the Board to the contrary notwithstanding.[2]

The committee to whom was referred a letter from William Buchanan, Esq[r] commissary general of purchases, dated York Town, 21 November, 1777, report:

That on conferring with the commissary general upon the supplies of flour for the army in the middle district, he informed the committee, that he knew of no other magazines established for this purpose than those at Lancaster and York Town; that he could not ascertain the quantity of flour therein, but supposed the former contained 1,000 and the latter 5,000 barrels; that to transport these to the camp some teams were provided, and persons employed to procure as many more as were necessary; that these magazines would soon be exhausted, the consumption of the army being about 200 barrels a day; that if by stormy weather or any accident the teams employed in this business were interrupted, he imagined the army would want bread; that he knew not where to pur-

[1] This report, dated November 21, is in the *Papers of the Continental Congress*, No. 147, I, folio 389. The members of the Board present were: Francis Lightfoot Lee, William Duer, Joseph Jones, John Harvie, William Williams, and Francis Dana. The name of Major General Mifflin was placed first, but struck out. The last paragraph is in the writing of William Duer.

[2] From a memorandum in the writing of Henry Laurens, in the *Papers of the Continental Congress*, No. 19, III, folio 165, Gates and Peters were nominated this day.

chase flour, as a scarcity had taken place in Pensylvania from the backwardness of farmers to thresh out their wheat, or from the want of casks by the draughts of coopers in the militia for reinforcing the army; that from the middle district he had his present supplies of beef for the army; that this resource could not be lasting, and he had no expectation of immediate supplies from the eastern or northern districts; that he had employed some coopers to make barrels for salting pork, but that he was not able to assure the committee that a sufficient number by these means would be procured, and that no pork was yet engaged, as the season was not yet arrived for this business; that he could not inform the committee what, or whether any, measures were taken by the governor and council of safety of Connecticut, or executive council of Massachusetts bay, to send salt to the North River, agreeable to the request of Congress, of the 22 of October last, having received no letter from them on the subject; that if salt should be sent to the North River, he did not know where to obtain teams to transport it from thence, as some that he had sent to camp, and ordered on to the river, were employed in the army: from all which circumstances your committee apprehend that the present prospect of supplies of provision for the army in this district is very precarious, and, unless more effectual measures are speedily adopted, disagreeable consequences must necessarily follow. They are, therefore, of opinion, that the immediate attention of Congress to this business is necessary; and, to remedy present inconveniences, have recommended to the commissary the advice of General Mifflin, namely,

To proceed to head quarters, and hire 12 or more mills within six miles of, and covered by the army, to purchase

or impress wheat in the sheaf; if the farmers cannot be prevailed on to thrash for the troops, to solicit the General to spare 150 men from the army for that purpose, and set the mills to work.

By these means, a present supply may be obtained, which bad weather cannot prevent, and time will be gained for establishing at Pottsgrove, Reading, Lancaster, &c. magazines of flour for three months, in which time the new Board of War will probably take up the business, and give proper orders for the supplies of the next campaign.[1]

The committee farther reported, that the commissary general was gone to camp on this business, and that they have recommended to him, on his way, to apply to the executive council or assembly of this State ||Pennsylvania|| for such assistance as shall be necessary: all which they submit to Congress: Whereupon,

Resolved, That Congress concur with the committee, and approve the advice given and measures taken for the supply of the army.

Resolved, That a committee of five be appointed, to devise ways and means for providing a sufficient supply of provisions for the army.

The members chosen, Mr. [Elbridge] Gerry, Mr. [Daniel] Roberdeau, Mr. [Eliphalet] Dyer, Mr. [John] Harvie, and Mr. [William] Smith.

The committee appointed to prepare a plan for establishing a board to superintend the departments of the commissaries and quarter master general, report,

That as a Board of War, consisting of persons not members of Congress, has been lately established, and

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 29, folio 87. The advice of General Mifflin is summarized from a memorandum, in the writing of Daniel Roberdeau, on folio 89.

the late quarter master general is a member thereof, the committee are of opinion, that a considerable expence may be saved by adding to the board a person acquainted with the commissarial business, and authorizing it to superintend each of the civil departments of the army:[1] Whereupon,

Resolved, That Congress agree to the report of the committee.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

TUESDAY, NOVEMBER 25, 1777

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the auditor general in favour of the Hon^ble^ Nathaniel Folsom, Esq^r^ ||delegate from New Hampshire|| for 1,000 dollars advanced the State of New Hampshire, upon his application; the said State to be accountable:

Ordered, That there be advanced to the Chevalier de la Colombe, a captain in the army, the sum of 120 dollars; he to be accountable: the warrant to issue on the auditor general.

Ordered, That a warrant issue on the auditor general in favour of Winslow and Ingraham, for 4,323 60/90 dollars, for the payment of a quantity of leather purchased of them by Mr. William Henry, for public service; Mr. William Henry to be accountable.[2]

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 29, folio 93.

[2] This report, dated November 22, is in the *Papers of the Continental Congress*, No. 136, I, folio 489.

The commissioners for building ships of war in Virginia, having represented to the Marine Committee the necessity of a guard being provided for the protection of the continental frigates now on the stocks in that State against the efforts of the enemy's ships of war, five of which lie frequently within ten miles of the yard where the frigates are building, and the committee having taken the same into consideration, brought in a report, which was read; Whereupon,

Resolved, That the governor and council of Virginia be requested to provide such a guard, from time to time, at the continental expence, as may be deemed necessary by the said commissioners, upon consideration of circumstances, for the protection aforesaid; and also to furnish the said commissioners with arms and ammunition sufficient to enable the men working in the yard, to assist the guard in repelling any attempt that may be made by the enemy for the destruction of the frigates aforesaid.

Resolved, That the commissioners aforesaid be authorized to prepare a few fire-rafts for the better security of the said frigates, it being represented by the commissioners that such rafts may be of considerable service, and fixed at no great expence.

Resolved, That for the purposes of laying in provisions, and other expences of the said yard, an order be drawn on the loan office for the State of Virginia, in favour of the Marine Committee, or their order, for the sum of ten thousand dollars, to be remitted to the commissioners aforesaid.

The Board of War brought in a report, which was taken into consideration; Whereupon,

That the Executive Powers of the respective States take Bonds in their Names, but for the use of the United States, in such sums as shall by the said Executive Powers be deemed adequate, from the

several persons appointed for the purpose of recruiting and taking up Deserters in the Districts into which each State is, or shall be divided agreeable to the Resolve of Congress of the Day of last with Condition to such Bonds annexed to the Effect following. "That the said Person or Persons so respectively appointed, or to be appointed in the said Districts shall and do faithfully discharge the Trust reposed in him or them by using all diligence in the Execution of the same, and rendering true and just accounts of all Monies which shall come to his or their hands for the Purposes of his or their Appointment, to the said Executive Powers of the said States respectively." That the said Executive Powers be authorized from time to time to draw on the Continental Treasury for such sums as shall be advanced to the Persons so appointed in their several Districts for the purposes aforesaid, whom they are to call to account, so often as they shall see occasion, and finally render Accounts to the Treasury Board of all Expenditures in this service.

Resolved, That General Washington be directed to publish in general orders, that Congress will speedily take into consideration, the merits of such officers as have distinguished themselves by their intrepidity and their attention to the health and discipline of their men; and adopt such regulations as shall tend to introduce order and good discipline into the army, and to render the situation of the officers and soldiery, with respect to cloathing and other necessaries, more eligible than it has hitherto been.

Resolved, That Governor Caswell be desired to appoint proper persons within the State of North Carolina, to purchase, with secrecy and despatch, all the merchantable leather and deer skins in that State proper for the making shoes, breeches, saddles, harness, and military accoutrements: that he be desired to detain so much thereof as can be manufactured into shoes and breeches within the space of four months, sending on to the cloathier general, at Lancaster, in Pensylvania, the shoes and breeches which may be made, from time to time, and

delivering the residue of the said leather and skins to the order of the Board of War: that he be authorized to draw on the treasury for such sums as shall be necessary for the execution of this business, and transmit accounts of the prices given, and quantities purchased, to the Board of War and cloathier general.[1]

A petition from John Simpers was read, setting forth, "that his brother, Thomas Simpers of Cœcil county, in the State of Maryland, was taken into custody at the Head of Elk, in the said county, about the 1st week of September last, on suspicion of having dealt with the English army then at Elk, and carried to the American army, then in the Delaware State, put in the provost guard, and sent from place to place, and is now confined in Eastown gaol, in the State of Pensylvania, and praying that he may be returned back to Cœcil county, in order to undergo his trial for the supposed offence;" Whereupon,

Ordered, That the said petition be referred to General Washington, and that he be directed to give orders that the prisoner be remanded to Cœcil county, in the State of Maryland, there to undergo his trial agreeable to the laws of that State; the prisoner to bear the expences of his removal.

Resolved, That a committee of five be appointed to enquire in what manner the department of the cloathier general has been executed, and report such regulations as they judge necessary to be adopted for the better execution of that office.

The members chosen, Mr. [John] Harvie, Mr. [Elbridge] Gerry, Mr. [Eliphalet] Dyer, Mr. [Daniel] Roberdeau and Mr. [William] Duer.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 395. The members of the Board present were: Francis Lightfoot Lee, John Harvie, Joseph Jones, William Duer, William Williams, and Jonathan Bayard Smith.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Jean Baptist Mourgens, late a lieutenant in Colonel Livingston's regiment raised in Canada, for 78 dollars, as a recompence for his extraordinary services in Canada, performed by desire of General Sullivan, and for his expences in performing the said service.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, NOVEMBER 26, 1777

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That it be recommended to the commonwealth of Virginia, to appoint proper persons to re-inlist the soldiers of their first nine regiments, whose times of service are near expiring, and, in failure thereof, to take some speedy and effectual course for supplying their places in the continental army; and Congress agree to allow the men inlisting for the war, or three years, the usual bounty given to such recruits.

Resolved, That Monsieur Fleury, in consideration of the disinterested gallantry which he has manifested in the service of the United States, be appointed to the rank of lieutenant colonel in the army.

Postponed.

That Mons^{r} Du Plessis be informed that Congress entertain a due sense of the spirit and Bravery exhibited by him during his being stationed at Red Bank, and will take the first proper opportunity of promoting him agreeable to his merit.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 491.

[2] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 393. The members of the Board present were Francis Lightfoot Lee, William Duer, Joseph Jones and Francis Dana.

The Committee on the Treasury brought in a report, which was read; Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq[r] commissioner of the loan office, for the state of Pensylvania, in favour of Colonel Isaac Melchior, barrack master, for 10,000 dollars, for the purchase of wood, candles, straw, &c. for the use of the barracks; the said I. Melchior to be accountable.

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of the delegates of the State of Connecticut, for 1,000 dollars, the same being advanced to that State on the application of Mr. [William] Williams and Mr. [Richard] Law, two of its delegates; the said State to be accountable:

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Thomas Hains and Frederick Severs, two invalid soldiers, late belonging to the invalid regiment, discharged at their own request, for 35 48/90 dollars, for two months' twenty-four days' pay due to each of them, as appears by Colonel Lewis Nicola's certificates; the said Colonel Nicola to be accountable.[1]

Congress resumed the consideration of the report of the committee on the letter from S. Hopkins, Esq[r] &c. when the seventh article was agreed to as follows:

7. And whereas, notwithstanding the large quantities of cloathing which have seasonably been ordered from Europe for the armies of the United States, such have been the obstructions, from ~~British Cruizers~~ a variety of causes,[2] that an adequate supply hath not been imported, and it is become necessary that immediate provision should be made to defend the troops from the inclemency of the winter, and to prevent future disappointments ~~in a matter so essential~~ of the like nature, and that, for this purpose, the several states should be called upon for assistance.

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 493.

[2] These four words were inserted by Laurens.

Resolved, therefore, That it be earnestly recommended to the several states, from time to time to exert their utmost endeavours to procure, in addition to the allowances of cloathing heretofore made by Congress, supplies of blankets, shoes, stockings, shirts, and other cloathing, for the comfortable subsistence of the officers and soldiers ~~engaged in the defence of their country~~ of their respective batallions; and to appoint one or more persons to dispose of such articles to the said officers and soldiers in such proportions as the general officers, from the respective states commanding in such army, shall direct, and at such reasonable prices as shall be assessed by the cloathier general or his deputy, and be in just proportion to the wages of the officers and soldiers,[1] charging the surplus of the cost to the United States: ~~Provided that for preventing any Competition between the purchasing Agents to be appointed by the States, and the Commissary General of Cloathing and his Deputies and Agents: no greater Price shall be given for any Article than such as shall be limited by the said Commissary General of Cloathing and his Deputies. And that this proviso shall remain in Force untill the Regulation of Prices herein before directed shall take effect and no longer.~~

And all Cloathing hereafter to be supplied to the officers and soldiers of the Continental Army out of the publick stores of the united States: beyond the Bounties already granted, shall be charged at the like Prices, the surplus to be defrayed by the united States. ~~A particular Regard in the Distribution of such Continental Clothing being paid to the Wants of the Troops of such States, who from the obstruction of their commerce cannot with equal advantage cloath their respective Troops with equal Facility with those States w.h enjoy the Blessings of Commerce and peace.~~[2]

Provided that Measures be adopted by each State for preventing any Competition between their purchasing Agents and ye Cloathier General or his Agents, who are severally directed to observe ye ~~direction of ye Legislature of such State~~ Instructions of ye respective States relative to ye prices of Cloathing ~~which they may purchase therein and each State shall purchase within its own limits only~~ purchased within such State.[3]

[1] These four words were inserted by Laurens.

[2] The canceled part of this paragraph is in the writing of William Duer.

[3] This paragraph is in the writing of Elbridge Gerry. These amendments are in the *Papers of the Continental Congress*, No. 19, III, folios 165–167. The vote, in the writing of Charles Thomson, is on folio 163½.

On the yeas and nays being required,

New Hampshire,			*Maryland*,		
Mr. Folsom,	ay	ay	Mr. Smith,	no	no
Massachusetts Bay,			Rumsey,	no	
Mr. Gerry,	ay	ay	*Virginia*,		
Lovell,	ay		Mr. Jones,	no	div.
Dana,	ay		R. H. Lee,	ay	
Rhode Island,			F. L. Lee,	ay	
Mr. Ellery,	ay	ay	Harvie,	no	
Connecticut,			*North Carolina*,		
Mr. Dyer,	ay	ay	Mr. Penn,	no	no
Law,	ay		Harnett,	no	
Williams,	ay		*South Carolina*,		
New York,			Mr. Laurens,	no	no
Mr. Duane,	ay	div.	*Georgia*,		
Duer,	no		Mr. Langworthy,	no	no
Pennsylvania,			Wood,	no	
Mr. Roberdeau,	ay	ay			
Clingan,	ay				

So it was resolved in the affirmative.

Resolved, That the further consideration of the report be postponed till to morrow.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

THURSDAY, NOVEMBER 27, 1777

A letter, of the 23d, from General Washington, enclosing copies of letters that passed between him and General Howe, relative to the exchange and treatment of prisoners, and also extracts of sundry sentences of courts martial against officers, was read.[1]

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 199. It is printed in *Writings of Washington* (Ford), VI, 214.

Congress resumed the consideration of the report of the committee on the letter from S. Hopkins, Esq[r] &c. Whereupon,

8. *Resolved*, That it be earnestly recommended to the several states, as soon as may be, to confiscate and make sale of all the real and personal estate therein, of such of their inhabitants and other persons who have forfeited the same, and the right to the protection of their respective states, and to invest the money arising from the sales in continental loan office certificates, to be appropriated in such manner as the respective states shall hereafter direct.

||Congress resumed the consideration of the reports and resolutions respecting the new Board of War and Colonel Harrison's letter; Whereupon,||

Resolved, That the wish of Colonel Harrison be complied with, and that he be excused from serving as a member of the Board of War, ||and that another be elected in his stead.||

Congress proceeded to the election of three additional members to the Board of War; and the ballots being taken,

Major General Gates, Joseph Trumbull, Esq[r] and Richard Peters, Esq[r] were elected.

Resolved, That Major General Gates be appointed president of the Board of War.

Resolved, That Mr. President be desired to inform Major General Gates of his being appointed president of the newly constituted Board of War, expressing the high sense Congress entertain of the general's abilities and peculiar fitness to discharge the duties of that important office, upon the right execution of which the success of the American cause does eminently depend; that he inform General Gates that it is the intention of Congress

to continue his rank as major general in the army, and that he officiate at the board, or in the field, as occasion may require: and that the general be requested to repair to Congress with all convenient despatch, to enter on the duties of his new appointment.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

FRIDAY, NOVEMBER 28, 1777

A letter, of the 7th, from Thomas M'Kean to Colonel Jos. Reed, was laid before Congress and read:

Ordered, That it be referred to the Board of War, with orders to take such measures as they may judge proper in consequence of the intelligence contained therein.

Resolved, unanimously, That a committee of three be appointed forthwith to repair to the army, and, in a private confidential consultation with General Washington, to consider of the best and most practicable means for carrying on a winter's campaign with vigour and success, an object which Congress have much at heart, and on such consultation, with the concurrence of General Washington, to direct every measure which circumstances may require for promoting the public service:

The members chosen, Mr. R[obert] Morris, Mr. [Elbridge] Gerry, and Mr. [Joseph] Jones.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general for 3,080 72/90 dollars in favour of the Committee of Commerce; the said committee to be accountable:[1]

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 495.

Ordered, That the following warrants issue on Thomas Smith, Esq[r] commissioner of the continental loan office for the State of Pensylvania, viz.

One in favour of James Paxton, assistant commissary of issues, for 2,000 dollars, which sum was advanced him by Mr. Smith, the 19 September last; Charles Stewart, Esq[r] commissary general of issues, to be accountable:

One in favour of Michael Hillegas, Esq[r] continental treasurer, 60,000 dollars, for so much put into his hands by Mr. Smith, the 16 October last; said Hillegas to be accountable:

One in favour of Blair M'Clenaghan, for 16,400 dollars, to discharge the continental navy board their order of the 3d September last, on William Alricks, their cashier, for the payment of two ships purchased of the said M'Clenaghan; the said navy board to be accountable:

One in favour of John Gibson, Esq[r] auditor general, for 49,566 2/3 dollars, which sum the said Smith advanced at sundry times, on a warrant of Congress of the 14 September last, drawn on Mr. Gibson, in favour of the executive council of the State of Pensylvania; the said J. Gibson to be accountable.

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of the delegates of the State of Georgia, for 270 dollars, advanced the said State, and to be considered as a part of the 300,000 dollars ordered to the said State.

Ordered, That warrants issue on John Gibson, Esq[r] auditor general, for the following sums, viz.

One, in favour of the Board of War, for 6,000 dollars, advanced by him to the said Board, the 28 September last, for the use of the Virginia militia, then on their march to join General Washington; the said Board to be accountable.

One, in favour of Major William Roberts, for 810 dollars, advanced the 1 October, by the auditor, for the use of the Culpepper militia, from the State of Virginia, then on their march to join General Washington; the said Major Roberts to be accountable.

One, in favour of Charles Thomson, Esq[r] for 57 6/90 dollars, for the pay due to Wm. C. Houston, late deputy secretary of Congress, from the 1st to 23 September, and for porterage of papers of Congress, casks, &c.

One, in favour of Joseph Nourse, deputy secretary to the Board of War, for his salary from the 10th May, to the 10th November, 1777, for 390 dollars.

One, in favour of William Govett, assistant auditor, for sundry expences with two waggons and the hire of one to York Town, with the treasury books, papers, money, &c. from Philadelphia to Bristol, and round by Reading to Lancaster, with his expences from Lancaster to Reading, and from thence to York Town, by order of Congress, with the waggons that had the public papers, and his expences from Philadelphia to Bristol, by order of the Board, for money, and for sundry contingent expences at Baltimore last winter, &c., for 161 70/90 dollars.

Ordered, That a warrant issue on the treasurer in favour of Colonel William Buchanan, commissary general of purchases, for 13,333 1/3 dollars, for an advance made by the treasurer to Colonel John Patten, deputy commissary of purchases at Reading the 25 September last.[1]

Ordered, That there be advanced to Brigadier General de Roche Fermoy, 375 dollars for three months' pay; he to be accountable.

Ordered, That there be paid to Captain Peter Babb, or his order, in full of his pay roll of a company of militia

[1] This report, dated November 26, is in the *Papers of the Continental Congress*, No. 136, I, folio 497.

from Frederick county, Virginia, sent to relieve the soldiers of the 12 Virginia regiment, garrisoned at Fort Pitt, from the 3d April to the 3d June following, inclusive, 887 44/90 dollars, the warrant to issue on the auditor general for the said sum.

Ordered, That a warrant issue in favour of the Board of War, for 300,000 dollars, to be by them transmitted to William Palfrey, Esq[r] pay master general; he to be accountable.

Resolved, That the salary of William Govett, assistant auditor general, be augmented, and that henceforth he be allowed the same pay as a commissioner for auditing accounts.[1]

Congress proceeded to the election of a commissioner to the Court of France in the room of S. Deane, Esq[r] and, the ballots being taken, John Adams, a delegate in Congress from Massachusetts bay, was elected.

Resolved, That William Carmichael, Esq[r] be appointed secretary to the commissioners at the Court of France.

Resolved, That an enquiry be made into the causes of the evacuation of Fort Mercer, on the river Delaware, and into the conduct of the principal officers commanding that garrison; and that a committee be appointed to report the mode of conducting the enquiry.

Resolved, That an immediate enquiry be made into the causes of the failure of the late expedition against Rhode Island, and into the conduct of the principal officers conducting such expedition; and that a committee be appointed to report the mode of conducting such enquiry.

Resolved, That an enquiry be made into the loss of Forts Montgomery and Clinton, in the State of New York; and of Fort Mifflin, on the river Delaware, in the State of Pensylvania, and into the conduct of the prin-

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 499.

cipal officers commanding those forts; and that General Washington be directed to cause this enquiry to be made, and to transmit the proceedings of the court to Congress with all possible despatch.

Resolved, That whenever any expedition which may be undertaken either by sea or land, by order, or at the expence of the United States, shall fail in the execution; or whenever any important post, fort, or fortress, garrisoned and defended at the expence of the United States, shall be evacuated, or taken by the enemy, it be an established rule in Congress to institute an enquiry into the causes of the failure of such expedition, or into the loss of such post, fort, or fortress, and into the conduct of the principal officer or officers conducting the expedition so failing, or commanding the post, fort, or fortress so evacuated or taken by the enemy; the enquiry so instituted, to be conducted in such manner as Congress shall deem best adapted for the investigation of truth in the respective cases.

Resolved, That the committee for conducting the enquiry into the causes of the evacuation of Fort Mercer, and the failure of the expedition against Rhode Island, consist of three members.

The members chosen, Mr. [William] Duer, Mr. [Francis] Dana, and Mr. F[rancis] L[ightfoot] Lee.

The committee appointed to devise ways and means for providing a sufficient supply of provisions for the army, brought in a report, which was read; Whereupon,

Resolved, That a committee be appointed to repair forthwith to Lancaster, to confer with the general assembly of the State of Pensylvania on the best means of providing immediate supplies, and establishing sufficient magazines of flour and pork for the army in this department; that they represent to the assembly the necessity of obtaining

flour and pork barrels, and teams to transport salt from the North River, and report thereon as soon as may be.

Resolved, That a copy of the resolution of Congress of the 22d October and 3d of November, relative to the commissary's department, be transmitted to his excellency the governor and council of safety of the State of Connecticut, who are requested to order the salt to be sent from the eastern to the middle district agreeable to the resolution first mentioned, to such parts of the North River, and to the care of such officer or person there as they shall judge expedient, and inform Congress or the commissary general of purchases thereof; and the governor and council aforesaid are further requested to take effectual measures for sending immediate supplies of cattle to the army in the middle district, and to the prisoners quartered near Boston; and to this purpose they are fully authorized to superintend the deputy commissary general of purchases and issues, and their respective deputies or assistants in the eastern and northern districts, and to remove and appoint others in the room of such as shall refuse or neglect to comply with their directions.

Resolved, That General Heath be directed to take effectual care that fresh provisions be issued to the prisoners in the eastern district, and that the salt provisions be reserved for the army of the United States for the next campaign.

Resolved, That General Washington be directed to apply to General Howe for passports to convey provisions and wood to the British and German troops, quartered, agreeable to the convention of Saratoga, in the neighbourhood of Boston, and that he send such passports by express to General Heath.

Resolved, That the commissary general of issues be directed to preserve the flour barrels of the army, and

send them by the return waggons to the mills from whence supplies of flour may be sent to the army; that he save the pork and beef barrels, and as much of the salt therein as can be collected, and that for this purpose he employ a suitable number of coopers, and inform Congress of his proceedings herein.[1]

Resolved, That that the committee to repair to Lancaster consist of three; the members chosen, Mr. [Daniel] Roberdeau, Mr. [Eliphalet] Dyer, and Mr. [John] Penn.

The Committee of Commerce, to whom were referred the proposals of Alexander Gillon, Esq^r^ contained in his letter of the 20th inst. reported,[2]

That they have conferred with Mr. Gillon on the subject, and are of opinion, that a sum of money not exceed-250,000 dollars should be advanced to the said Alexander Gillon, Esq^r^ or his attorneys, annually for three years if the war with Great Britain shall continue so long; the said advances to be made by this committee, or such other as may hereafter be appointed to superintend the continental commerce, in such sums and at such periods as may be necessary for accomplishing purchases of suitable produce or other articles to be remitted to Europe:

That the said Alexander Gillon, Esq. or his attorneys, shall purchase all the remittances they make, ~~to Europe, on the best terms in their power that~~ and charter or purchase ships suitable for transporting the same to Europe, on the best and most frugal terms in their power, and under such orders, restrictions, and limitations, as they may, from time to time, receive from the committee or board that superintend the continental commerce, who

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 21, 191. Thomson has noted upon it the vote on the committee to Lancaster: Roberdeau, 9; Dyer, 4; Penn, 1; Harvie, 4; Lovell, 1; and Harnett, 6.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 77.

are to call for, examine and inspect the invoices and other accounts, as often as they shall think necessary:

That the said Alexander Gillon shall forthwith repair to Europe, and purchase, at proper places, such cloathing, arms, ammunition, and other articles, as may, from time to time, be directed by the said committee, or board of commerce, to the amount of the net proceeds of all the remittances he or his attorneys in Europe shall there receive from his attorneys in America, such articles, to be bought on the best terms, and shipped for these United States, in such ships, or by such conveyances, as may be most likely to arrive safe; the said Alexander Gillon to conform himself in the transaction of this business to the instructions he may receive, from time to time, from the committee or board of commerce, to which he is to give regular advice of all his proceedings:

That the customary mercantile commissions be allowed for purchasing and making the remittances, and on the sale thereof in Europe, and a commission of five per cent. on the purchase and exportation of all the articles ordered from Europe, the said commissions to be the only compensation or benefit the said Alexander Gillon, or his attorneys, are to receive or derive to themselves from this business, being deemed fully equivalent to the services they are hereby required to perform; Whereupon,

Resolved, That the above report be accepted, and that the committee of commerce be authorized and directed to enter into a contract on behalf of the United States, with the said Alexander Gillon, Esq[r] agreeable to the tenor and terms thereof:[1]

[1] This report, in the writing of Robert Morris, is in the *Papers of the Continental Congress*, No. 31, folio 175. It is endorsed "Postponed 25th to the 26th Nov." The vote is in the writing of Charles Thomson.

The yeas and nays being required,

New Hampshire,			*Maryland*,	—	
Mr. Folsom,	no	no	Mr. Smith,	ay	ay
Massachusetts bay,			Rumsey,	ay	
Mr. Gerry,	no		*Virginia*,		
Lovell,	no	no	Mr. Jones,	ay	
Dana,	no		R. H. Lee,	no	div.
Rhode Island,			F. L. Lee,	no	
Mr. Ellery,	no	no	Harvie,	ay	
Connecticut,			*North Carolina*,		
Mr. Dyer,	ay		Mr. Penn,	ay	ay
Law,	no	ay	Harnett,	ay	
Williams,	ay		*South Carolina*,		
New York,			Mr. Laurens,	—	
Mr. Duane,	ay	ay	*Georgia*,		
Duer,	ay		Mr. Langworthy,	ay	ay
Pensylvania,					
Mr. Morris,	ay				
Roberdeau,	no	no			
Clingan,	no				

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

SATURDAY, NOVEMBER 29, 1777

A letter, of the 16th, from General Gates, with sundry papers enclosed; also a letter of the 27, from J. Armstrong, aid de camp to General Gates, who brought the foregoing despatches to Reading, and was there detained by sickness; also

A letter, of the 24, from W. Shippen, director general, at Bethlehem, were read:[1]

[1]The letter of Shippen is in the *Papers of the Continental Congress*, No. 78, XX, folio 163.

Ordered, That a copy of General Gates's letter be sent to General Washington.

Resolved, That a committee of three be appointed to procure a translation to be made of the articles of Confederation into the French language, and to report an address to the inhabitants of Canada, inviting them to accede to the union of these states; that the said committee be further directed to report a plan for facilitating the distribution of the said articles and address, and for conciliating the affections of the Canadians towards these United States.

The members chosen, Mr. [William] Duer, Mr. [James] Lovell, and Mr. F[rancis] L[ightfoot] Lee.

Resolved, That General Washington regulate the rank of Major General Arnold and Brigadiers General Woodford and Scott, agreeable to the resolution of Congress of the 12th of Nov[r] instant, confirming the principle adopted by the board of general officers on the 19th August, for settling the rank and precedence of officers, and that the commissions of those officers be called in and cancelled, and new commissions granted them in manner aforesaid.

Resolved, That the committee appointed to repair to the camp be instructed to intimate to General Washington that Congress are not willing to accept the resignation of Colonel Spotswood.

Ordered, That Mr. [Nathaniel] Folsom have leave of absence for a few days, for the recovery of his health.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That the following warrants issue on John Gibson, Esq[r] auditor general, viz.

One in favour of Colonel David Kennedy, for 2,016 76/90 dollars, the amount of sundry provisions, wood, forage, &c. furnished the guards to the British prisoners

in Virginia, and to the waggoners of marching militia of the said State:

One in favour of Colonel George Morgan, for one thousand dollars, to be advanced him for the boat department at Fort Pitt.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 1, 1777

A letter, of the 26th November, from General Washington, enclosing a copy of a letter from General Howe to him, was read.[2]

Congress having received information that General Howe, or General Burgoyne, by his direction, means to apply for leave to embark the troops (surrendered by the convention of Saratoga) at Rhode Island or some part of the sound, which application, if made and complied with, may be attended with consequences highly injurious to the interest of these United States:

Resolved, That Mr. President inform General Gates, the council of Massachusetts bay, and Major General Heath, that it is the resolution of Congress, if any such application as before mentioned is made, that it be utterly rejected, and that the said troops, when they do embark, must be shipped from the port stipulated by the convention of Saratoga and no other.

Resolved, That General Washington be informed, it is highly agreeable to Congress that the Marquis de la

[1] This report, dated November 28, is in the *Papers of the Continental Congress*, No. 136, I, folio 501.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 223. It is printed in *Writings of Washington* (Ford), VI, 222.

Fayette be appointed to the command of a division in the continental army.

Resolved, That the Committee of Commerce be directed to ship, with all despatch, four thousand hogsheads of tobacco to the commissioners of the United States at the court of France, to enable them to comply with the contract they mention in their letter of the 12 March last, to have entered into with the farmers general of France.

Ordered, That the letter of the 23, and that of the 26 of November, from General Washington, and the letter of the 16 November, from General Gates, with the papers severally enclosed, be referred to the Board of War.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq[r] commissioner of the loan office for the State of Pensylvania, in favour of John Gibson, Esq[r] auditor general, for twenty thousand dollars, to enable him to discharge a part of a warrant of Congress drawn on him, in favour of the executive council of the said State; the said auditor general to be accountable:

Ordered, That a warrant issue on Thomas Smith, Esq[r] commissioner of the loan office for the State of Pensylvania, in favour of Dr. William Shippen, director general of the hospitals, for fifty thousand dollars, for the use of his department; the said director general to be accountable:

Ordered, That a warrant issue on the treasurer, in favour of Dr. William Shippen, director general of the hospitals, for fifty thousand dollars, for the use of his department, the said director general to be accountable:

Ordered, That a warrant issue on the treasurer, in favour of William Buchanan, Esq[r] commissary general of purchases, for two hundred and forty thousand dol-

lars, for the use of his department, the said commissary general to be accountable:

Ordered, That a warrant issue on the treasurer, in favour of Colonel Benjamin Flower, commissary general of military stores, for ten thousand dollars, for the use of his department, he to be accountable.

Resolved, That a warrant issue on Thomas Smith, Esq., Commissioner of the Continental Loan Office for the State of Pennsylvania in favour of Paul Zantzinger for 12,000 Dollars for the Payment of Cloathing purchased for the use of the Army, the said Zantzinger to be accountable.

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Thomas Taylor, adjutant to the Georgia batallion, commanded by Colonel J. White, for eight hundred dollars, the State of Georgia to be accountable, and to be considered as a part of the money directed to be sent to the said State:

Ordered, That the following warrants issue in favour of Major General Mifflin, quarter master general, amounting to four hundred and fifty thousand dollars, for the use of his department, for which he is to be accountable, viz.

One on Thomas Smith, Esq[r] commissioner of the loan office for the State of Pensylvania, for 100,000 dollars:

One on Derk Ten Broek, Esq[r] commissioner of the loan office for the State of New York, for 150,000 dollars:

One on Joseph Borden, Esq[r] commissioner of the loan office for the State of New Jersey, for 100,000 dollars:

One on Michael Hillegas, Esq[r] continental treasurer, for 100,000 dollars.

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Frederick M'Donald, a soldier, discharged at his own request from the invalid regiment, for 8 80/90 dollars, being for one month ten

days' pay due to him, as per Colonel Nicola's certificate; the said Colonel Nicola to be accountable.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 2, 1777

A letter, of the 28 November, from the council of safety of Pensylvania, at Lancaster, with sundry papers enclosed, was read:[2]

Ordered, That the same be referred to the Board of War.

A motion being made for recommending to the states to call in all the paper money emitted in the respective states, under the authority of the king of Great Britain; after debate,

Resolved, That the same be committed to a committee of four.

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Francis] Dana, Mr. [William] Duer, and Mr. [James] Duane.

The committee appointed to procure a translation of the articles of confederation, to report an address to the inhabitants of Canada, and a plan for facilitating the distribution, &c. brought in a partial report, which was read:

The committee to whom it was referred to procure a translation to be made of the Articles of Confederation into the French Language, and to report an address to the Inhabitants of Canada inviting them to accede to the Union of these States; that the said Committee be further directed to report a Plan for facilitating the Distribution of

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 504.

[2] This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 441.

the said articles and Address, and for Conciliating the affections of the Canadians towards these United States beg leave to report.

That a strong Citadel should be immediately built either on Sugar Hill, or on some other Eminence near Lake Champlain which on reconnoitring the Grounds shall be thought best adapted for such Purpose, capable of containing a Garrison of about seven hundred Men, and of sustaining a vigorous Siege, and that a proper Engineer be forthwith sent into the Northern Department to consult General Gates on this Subject, and to superintend the Construction of said Citadel.

That a sufficient Quantity of Provisions should be transported thither during the Winter for subsisting 1,200 Men for the space of twelve Months, and also a proper store of Cannon, Mortars, and Ammunition for the Defence of said Citadel.

That a Regiment should be immediately established, to be composed of such Canadians as are now Prisoners, and are willing to inlist, and such other Canadians or French as may be engaged for the Service of these States. The said Battalion to be officered ~~by the best French officers as can be secured for such Purpose~~ in the manner hereinafter specified, and the Command of it conferred on an Officer equally versed in the Arts of Policy as well as that of War.

That the stile of said Battalion be the French Legion—and that those who may inlist in it be entitled to the same Pay, Bounties and Emoluments which are allowed to other Soldiers in the Continental Service.

That any Person enlisting in said Battalion and finding himself in either of the Articles undermentioned shall be allowed for the same at the following rates:

a good Musquet	15 Dollars
a Blanket	6 Dollars
a good Bayonet and Scabbard	1½ Dollars
a good Cartouch Box	3 Dollars.

And in order to complete with greater Facility and Expedition the Recruiting the said Battalion,

That any reputable Inhabitant of Canada who shall recruit and deliver at the Citadel above mentioned 30 able bodied Recruits, who shall pass Muster, shall be entitled to the Rank and Pay of a Second Lieutenant in the Battalion in which the said Recruits shall be incorporated, and the other Emoluments to such Commission annexed.

That any reputable Inhabitant of Canada, who shall in like Manner, recruit and deliver 15 able bodied Recruits who shall pass Muster, shall be entitled to the Rank Pay and Emoluments of an Ensign in the Battalion in which the said Recruits shall be incorporated.

That any Canadian who shall procure five Men to enlist in the said Battalion shall be entitled to the Rank, Pay, and Emoluments of a Serjeant, exclusive of the same Bounty of Dollars for each Recruit so obtained as is allowed by Resolve of Congress of the

That any Canadian who shall procure three Men to enlist in the said Battalion shall be entitled to the Rank, Pay, and Emoluments of Corporal, exclusive of the Bounty of Dollars for each Recruit so obtained as is allowed by a Resolve of Congress of the

That the Commanding Officer of said Battalion be authorized to recommend for Appointment as a Chaplain to said Battalion, any Canadian Priest, Minister or Deacon of Good Character, who shall assist him in completing the said Battalion, and in promoting the Accession of Canada to the Union of these States.

That the said officer be instructed by Means of Emissaries and Papers dispersed in Canada to conciliate the Minds of the Canadians towards these States, and to prepare them for Effecting a Revolution, whenever the United States shall deem such a Measure Expedient.

That the Board of War be directed to recommend to Congress the other Officers necessary for Commanding said Battalion, and to forward the raising it with all possible Expedition.

That General Gates or the Commanding Officer of the Continental Forces on the East Side of Hudson's River be directed to order one of the Regiments belonging to the State of New York to take Post at such place as shall be determined on by the Engineer to be sent to Ticonderoga, with Instructions to the said Officer to exert himself in constructing such Parts of the Works as can be carried on during the Winter, and that the General or other Comd'g. Officer be farther directed to furnish the said Officer with such Aid from the Militia of the State of New York, and the Eastern States as he may think proper, and to order such quantities of Provision, Tools, Cannon, Mortars, and other military Stores to be procured and forwarded with all Despatch as shall be necessary for carrying into Execution the Design of Congress.[1]

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 21, folio 47.

Ordered, That the consideration thereof be postponed to Monday next.

Resolved, That a commission be made out for Mr. J. Adams similar to that heretofore granted to the commissioners at the Court of France.

A motion being made ||for obtaining a loan of money:||

Resolved, That it be referred to a committee of three.

The members chosen, Mr. [Nathaniel] Folsom, Mr. [James] Duane, and Mr. [Francis] Dana.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 3, 1777

A letter, of the 1 November, from Joseph Trumbull, at Providence, and one, of the 6, from Major General Spencer, at Providence, with a copy of a letter written by him to Joseph Trumbull, Esq[r] late commissary general, and Mr. Trumbull's answer; also a letter from General Spencer to Governor Cooke, were read:

Ordered, That the letter from Mr. Trumbull, and such parts of General Spencer's letter as relate to money, and the correspondence between him and Mr. Trumbull, together with the letters that passed between them, be referred to the Board of Treasury:

That such part of General Spencer's letter as relates to the expedition to Rhode Island, together with the copy of the letter to Governor Cooke, be referred to the committee appointed to report the mode of conducting an enquiry into the cause of the failure of that expedition.

The committee to whom were referred a motion made yesterday, brought in a report, which was taken into consideration:

Whereupon, Congress came to the following resolutions:

The quantity of paper money issued to defray the necessary expences of the war, having at length become so considerable as to endanger its credit, and Congress apprehending that the slow operation of taxes may not be adequate to the prevention of an evil so pernicious in its consequences, and as experience proves that the method of paying the interest by bills on France does not fill the loan offices so fast as the urgent calls of war demand:

Resolved, That the commissioners at the Courts of France and Spain, be directed to exert their utmost endeavours to obtain by means most effectual to the end, a loan of two millions sterling, on the faith of the thirteen United States, for a term not less than ten years, with permission, if practicable, to pay the same sooner, if it shall be agreeable to these states, giving twelve months' previous notice to the lender of such intention to return the money.

That if the money borrowed cannot be obtained at a less interest than six per centum, the commissioners be permitted to engage for that rate of interest and that they stipulate for the payment of the interest at periods not less than annual.

That the commissioners be instructed to consider the money hereby directed to be borrowed as a fund to be applied (unless Congress direct otherwise) solely to the purpose of answering such draughts as Congress shall make for the purpose of lessening the sum of paper money in circulation.

That in order more effectually to answer the good purposes intended by this plan, the commissioners be also instructed to keep secret, as the nature of the thing will permit, whatever loan they shall be able to obtain for this purpose on account of the United States.

And that the commissioners be desired to give Congress the most early and repeated information of their success in this application.

Whereas, it is the uniform practice of our enemies to pursue every measure which may tend to distract, divide and delude the inhabitants of these states; to effect which purposes, they have, amongst other arts, promoted associations for supporting the credit of the public money, struck under the authority and sanction of the king of Great Britain, which associations are evidently calculated to sap the confidence of the public in the continental bills of credit, and in those issued by the authority of the respective states, and to furnish a medium for carrying on a pernicious and traitorous commerce between the enemy and the citizens of these states:

Resolved, That it be earnestly recommended to the legislative authorities of the respective states, forthwith to enact laws requiring all persons within their respective states, who may be possessed of any bills of credit struck under the sanction and authority of the king of Great Britain, or on or before the 19th of April, 1775, forthwith to deliver in the same to a commissioner or commissioners for that purpose to be appointed in each county of the respective states; authorizing such commissioner or commissioners to give in exchange for any sum so paid in, continental money or bills of credit of their respective states; and to declare in the laws so to be enacted, that all bills of credit, under the description above mentioned, which shall not be so delivered in within such reasonable time as the respective states shall for such purpose limit, shall thenceforth become utterly irredeemable.

A representation from Captain ||W.|| Peery, of Lewistown, to the Board of War, was laid before Congress and read; Whereupon,

Congress came to the following resolution:

Whereas the situation of the enemy's ships and forces, and the arts and number of the malignants in the county of Sussex, in the State of Delaware, have rendered the operation of the civil authority there utterly ineffectual, whereby it has become not only essential to the preservation of the independency of that State, but likewise to the general welfare of these United States, that the most vigorous measures should be forthwith pursued for repressing the arts and violence of the open and secret enemies of these states;

Resolved, That the Board of War be authorized to pursue such measures for supporting the friends of America in the county of Sussex, in the State of Delaware, and for curbing the spirit and checking the evil designs of the disaffected, as they shall deem most effectual.

Whereas, the Baron de St. Ouary, a gallant gentleman from France, engaged as a volunteer in the service of the United States, was lately, by the fortune of war, made prisoner by the British troops;

Resolved, That General Washington be directed to propose to General Howe, that the Baron de St. Ouary be permitted to return from his captivity, agreeably to the practice of Europe respecting volunteers: that if General Howe shall refuse this, it be proposed to take the baron's parole for his enlargement, Congress engaging, when an exchange takes place, to return a British officer for the Baron de St. Ouary: and that General Howe be informed, if neither of these propositions be accepted, that it is expected the gentleman be treated as a prisoner of war, having respect to his merit and rank in the French army.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Colonel George Morgan, for 3,134 86/90 dollars, advanced as the balance of his account for building boats, purchase of canoes, carpenter's wages, &c. at Fort Pitt, exclusive of £56 2 10½, charged by Thomas Lawrence as a commission on goods purchased by him for the said service, and for paying carpenter's wages; which charge is reserved for consideration; the said Colonel Morgan to be accountable:

That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Thomas Butler, continental armourer, for 1,800 dollars, advanced for the use of his department; he to be accountable:

That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Captain William Peery, for 3,200 dollars, advanced for the use of his independent company stationed at Lewistown; the said Captain Peery to be accountable:[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the commissioner of the continental loan office, for the State of South Carolina, in favour of Colonel Thomas Polk, or his order, for ten thousand pounds, South Carolina currency, equal to six thousand two hundred and fifty dollars, borrowed from Colonel Polk by Brigadier General Moore, represented by the said brigadier to have been lodged in the hands of Commissary William Kennon, for the use of the troops in the southern department, as appears by a letter from the said brigadier to Congress, dated the 9th February last, and a bill drawn by him on the continental treasurer in favour of Colonel Polk, for the said sum, which is to bear interest to be computed from

[1]This report is in the *Papers of the Continental Congress*, No. 136, I, folio 505.

the 7th day of July, when it was tendered for payment, and to be charged to the executors of the said Brigadier General Moore, who are to be accountable for the same.

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Colonel Thomas Polk, for 2,387 72/90 dollars, being the hire of two waggons and the purchase of one waggon and four horses, as appears by the certificates of Joseph Thornburgh, waggon master general, and Jacob Hiltzheimer, agent for waggons; the said sum to be accounted for by Major General Mifflin, quarter master general.

Resolved, That one million of dollars be emitted under the direction of the Treasury Board, and on the faith of the United States: that the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 7th November last, be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations: viz.

15,384 bills of 3 dollars	15,384 bills of 7 dollars
15,384 do. of 4 ditto	15,385 do. of 2 ditto
15,384 do. of 5 ditto	15,385 do. of 8 ditto
15,384 do. of 6 ditto	15,385 do. of 30 ditto

That all power and duties of Michael Hillegas, Esq[r] and of the inspectors of the press, signers and printers of the emission, directed on the 20th May last, shall extend to the said one million to be emitted, subject, however, to such directions and instructions as the Board of Treasury may judge expedient.[1]

Resolved, That three members be added to the Board of Treasury.

[1] These two reports are in the *Papers of the Continental Congress*, No. 136, I, folios 507 and 509.

The members chosen, Mr. [Francis] Dana, Mr. [Benjamin] Rumsey, and Mr. [Joseph] Jones.

Resolved, That Mr. [Francis] Dana be excused from attending the Board of War, in order that he may attend the duties of the Treasury Board.

Ordered, That Mr. [Richard] Law, Mr. [William] Williams, and Mr. [James] Duane have leave of absence.

The committee for Indian affairs, to whom were referred a letter from the president of South Carolina, and sundry other papers, having taken the same into consideration, reported a speech to the Six Nations and instructions to the commissioners for Indian affairs in the northern department, which were taken into consideration, and agreed to as follows:

BROTHERS, SACHEMS, AND WARRIORS OF THE SIX NATIONS!

The great council of the United States call now for your attention. Open your ears, that you may hear, and your hearts, that you may understand,

BROTHERS, SACHEMS, AND WARRIORS OF THE SIXNATIONS!

When the people on the other side of the great water, without any cause, sought our destruction, and sent over their ships and their warriors to fight against us, and to take away our possessions, you might reasonably have expected us to ask for your assistance. If we are enslaved, you cannot be free. For our strength is greater than yours. If they would not spare their own brothers, of the same flesh and blood, would they spare you? If they burn our houses and ravage our lands, could yours be secure?

But, brothers, we acted on very different principles. Far from desiring you to hazard your lives in our quarrel, we advised you to sit still in ease and peace. We even entreated you to remain neuter; and, under the shade of your trees, and by the side of your streams, to smoke your pipe in safety and contentment. Though pressed by our enemies, and when their ships obstructed our supplies of arms and powder, and cloathing, we were not unmindful of your wants. Of what was necessary for our own use, we cheerfully spared you a part. More we should have done, had it been in our power.

BROTHERS, CAYUGAS, SENECAS, TASCARORAS, AND MOHAWKS!

Open your ears and hear our complaints. Why have you listened to the voice of our enemies? why have you suffered Sir John Johnson and Butler to mislead you? why have you assisted General St. Leger and his warriors from the other side of the great water, by giving them a free passage through your country to annoy us; which both you and we solemnly promised should not be defiled with blood? why have you suffered so many of your nations to join them in their cruel purposes? Is this a suitable return for our love and kindness? or did you suspect, that we were too weak or too cowardly to defend our country; and join our enemies, that you might come in for a share of the plunder? what has been gained by this unprovoked treachery? what but shame and disgrace! your foolish warriors and their new allies have been defeated and driven back in every quarter; and many of them justly paid the price of their rashness with their lives. Sorry are we to find that our ancient chain of union, heretofore so strong and bright, should be broken by such poor and weak instruments as Sir John Johnson and Butler, who dare not shew their faces among their countrymen, and by St. Leger, a stranger, whom you never knew! what are become of the spirit, the wisdom, and the justice of your nations? is it possible that you should barter away your ancient glory, and break through the most solemn treaties for a few blankets or a little rum or powder? that trifles such as these should prove any temptation to you to cut down that strong tree of friendship, by our common ancestors planted in the deep bowels of the earth at Onondaga, your central council fire; that tree which has been watered and nourished by their children until the branches had almost reached the skies! as well might we have expected, that the mole should overturn the vast mountains of the Allegany, or that the birds of the air should drink up the waters of Ontario!

BROTHERS, CAYUGAS, SENECAS, TUSCARORAS, MOHAWKS!

Look into your hearts, and be attentive. Much are you to blame, and greatly have you wronged us. Be wise in time. Be sorry for and amend your faults. The great council, though the blood of our friends, who fell by your tomhawks at the German Flats, cries aloud against you, will yet be patient. We do not desire to destroy you. Long have we been at peace; and it is still our wish to bury the hatchet, and wipe away the blood which some of you have so unjustly shed. Till time shall be no more, we wish to smoke with you the calumet of

friendship around your central council fire at Onondaga. But, brothers, mark well what we now tell you. Let it sink deep as the bottom of the sea, and never be forgotten by you or your children. If ever again you take up the hatchet to strike us; if you join our enemies in battle or council; if you give them intelligence, or encourage or permit them to pass through your country to molest or hurt any of our people, we shall look upon you as our enemies, and treat you as the worst of enemies, who, under a cloak of friendship, cover your bad designs, and, like the concealed adder, only wait for an opportunity to wound us, when we are most unprepared.

Brothers: Believe us who never deceive. If, after all our good counsel, and all our care to prevent it, we must take up the hatchet, the blood to be shed will lie heavy on your heads. The hand of the thirteen United States is not short. It will reach to the farthest extent of the country of the Six Nations; and while we have right on our side, the good spirit whom we serve, will enable us to punish you, and put it out of your power to do us farther mischief.

Brothers, Oneidas and Onondagas!

Hearken to what we have to say to you in particular: It rejoices our hearts, that we have no reason to reproach you in common with the rest of the Six Nations. We have experienced your love, strong as the oak, and your fidelity, unchangeable as truth. You have kept fast hold of the ancient covenant-chain, and preserved it free from rust and decay, and bright as silver. Like brave men, for glory you despised danger; you stood forth, in the cause of your friends, and ventured your lives in our battles. While the sun and moon continue to give light to the world, we shall love and respect you. As our trusty friends, we shall protect you; and shall at all times consider your welfare as our own.

Brothers, of the Six Nations!

Open your ears and listen attentively. It is long ago that we explained to you our quarrel with the people on the other side of the great water. Remember that our cause is just; you and your fore fathers have long seen us allied to those people in friendship. By our labour and industry they flourished like the trees of the forest, and became exceeding rich and proud. At length, nothing would satisfy them, unless, like slaves, we would give them the power over our whole substance. Because we would not yield to such a shameful bondage, they took up the hatchet. You have seen them covering our

coasts with their ships, and a part of our country with their warriors; but you have not seen us dismayed; on the contrary, you know, that we have stood firm like rocks and fought like men, who deserved to be free. You know that we have defeated St. Leger, and conquered Burgoyne and all their warriors. Our chief men, and our warriors, are now fighting against the rest of our enemies, and we trust that the good spirit will soon put them in our power, or enable us to drive them all far beyond the great waters.

Brothers: Believe us that they feel their own weakness, and that they are unable to subdue the thirteen United States. Else why have they not left our Indian brethren in peace, as they first promised, and we wished to have done? Why have they endeavoured by cunning speeches, by falsehood and misrepresentation, by strong drink and presents, to embitter the minds and darken the understandings of all our Indian friends on this great continent, from the north to the south, and to engage them to take up the hatchet against us without any provocation? The Cherokees, like some of you, were prevailed upon to strike our people. We carried the war into their country and fought them. They saw their error, they repented, and we forgave them. The United States are kind and merciful, and wish for peace with all the world. We have, therefore, renewed our ancient covenant-chain with that nation.

Brothers: The Shawanese and the Delawares give us daily proofs of their good disposition and their attachment to us; and are ready to assist us against all our enemies. The Chickasaws are among the number of our faithful friends. And the Choctaws, though remote from us, have refused to listen to the persuasions of our enemies, rejected all their offers of corruption, and continue peaceable. The Creeks are also our steady friends. Oboylaco, their great chief, and the rest of the sachems and warriors, as the strongest mark of their sincere friendship, have presented the great council with an eagle's tail and rattle trap. They have desired that these tokens might be shewn to the Six Nations and their allies, to convince them that the Creeks are at peace with the United States. We, therefore, have directed our commissioners to deliver them into your hands. Let them be seen by all the nations in your alliance, and preserved in your central council-house at Onondaga.

Brothers, Sachems, and Warriors of the Six Nations!

Hearken to our counsel. Let us, who are born on the same great continent, love one another. Our interest is the same, and we ought

to be one people, always ready to assist and to serve each other. What are the people who belong to the other side of the great water to either of us? They never came here for our sakes; but to gratify their own pride and avarice. Their business now is to kill and destroy our inhabitants, to lay waste our houses and farms. The day, we trust, will soon arrive when we shall be rid of them forever. Now is the time to hasten and secure this happy event. Let us then, from this moment, join hand and heart in the defence of our common country. Let us rise as one man and drive away our cruel oppressors. Henceforward let none be able to separate us.

If any of our people injure you, acquaint us of it, and you may depend upon full satisfaction. If any of yours hurt us, be you ready to repair the wrong or punish the aggressor. Above all, shut your ears against liars and deceivers, who, like false meteors, strive to lead you astray, and to set us at variance. Believe no evil of us, till you have taken pains to discover the truth. Our council-fire always burns clear and bright in Pennsylvania. Our commissioners and agents are near your country. We shall not be blinded by false reports or false appearances.

Brothers: What may be farther necessary at this time for our common good, you will learn from our commissioners, who sit round our council-fire at Albany. Hear what they say, and treasure it up in your hearts. Farewell.

From our great council-fire in Pennsylvania, the 3 day of December, 1777.

By order of Congress.

Instructions to the commissioners for Indian affairs in the northern department.

The glorious successes of our arms in the north, and the severe chastisement which the unfriendly Indians have received, will dispose the Six Nations to dread our resentment, and to value our protection. While they are under these impressions, will be the proper season to urge them to some decisive enterprize, which will effectually tie them to our cause and promote the public service.

Congress have therefore sent them a speech, which is to be communicated to the different nations, and their feelings upon it attentively watched; and every possible advantage derived to the states from favorable circumstances.

Congress have at present two great objects in view from their assistance, &c. &c.

1. As the Ottawas, Chippawas, Wiandots and Mingoes at Pluggy's town are now actually carrying on a predatory war against the inhabitants of the western frontiers of Virginia and Pensylvania, the Six Nations are to be prevailed upon to oblige them immediately to desist; in case of refusal, to declare war against them and surprize and destroy their towns. If the latter plan should be agreed to, they will be aided by General Hand, should that be convenient.

2. They are to be induced to surprize Niagara, which will be practicable, if the Senecas heartily embrace the measure and it is conducted with prudence and secresy.

These are capital objects, in the execution of which, great circumspection is necessary; and especially in broaching them to the Indians. And they therefore will demand the utmost attention of the Commissioners.

Resolved, That Mr. [James] Duane be requested to confer with the commissioners for Indian affairs in the northern department and to give them every aid and assistance in his power, in their deliberations, conferences and treaties with the Indians.

Congress proceeded to the election of two commissioners for auditing claims at the Board of Treasury and the ballots being taken,

James Milligan and William Turnbull were elected.

Whereas[1]

The Committee to whom it was referred to consider of a proposition for surprizing and destroying the enemies shipping at S^{t} John's or elsewhere, on Lake Champlain, during the winter season have duly considered thereof, and being of opinion that such an enterprize is of the utmost importance, and promises the greatest Prospect of Success; provided it can be conducted with Prudence, Resolution and Secrecy, Report the following Plan for carrying it into effect.

I. That the *Hon^{ble} Ja^{s} Duane Esq.* be authorized and directed in a personal Conference to communicate the Enterprize to Brigadier General Starke, who is appointed to the Command: and to consider with him of the best and most practicable means for its accomplishment.

[1] An unfinished entry.

II. That Brigadier General Starke be authorized with the utmost Secrecy to Select or Raise a competent number of Volunteers for this Service; and to receive from the commanding officer of the Northern Department a sufficient Quantity of Military Stores, Carriages and provisions: or if more convenient to hire Carriages and to purchase provisions: and that the sum of *Five thousand* dollars for these and other contingent expences shall be advanced out of the Military Chest, in the said Department to him or his order for the Expenditure whereof he is to be accountable.

III. That if the Enterprize should prove successful the sum of *Twenty* thousand dollars shall be paid to the said General Starke and his officers and men, to be divided among them in proportion as the pay of Continental Officers and Privates bears to each other as a Reward for their services and in full satisfaction of all Wages and Claims: *or in such proportions more advantageous to the privates as the general and his officers shall ascertain.* But if stipulated wages should be preferred to the Chance of such Reward, the general shall be at Liberty to retain the officers and men at double continental pay and Rations during the Expedition, in Consideration of the inclemency of the season *and the importance of the service.*

IV. That General Starke be ingaged to keep secret the said Enterprize, and not to communicate it untill the nature of the operations shall render it necessary.

V. That a Warrant in the Words following, subscribed by the President, shall be transmitted to General Starke; viz:

"In Congress York Town
"*the 3d. day of Decr. 1777.*

"Whereas Brigr General Starke is appointed to command a secret expedition during the Winter season: you are therefore directed and required upon his order to supply him with such sums of money not exceeding *Five thousand* dollars: and such Carriages, Military Stores and Provisions as he may require, taking his vouchers for the same and for which he is to be accountable.

" By order of Congress.

"To the Commanding officer, Pay Master General, Quarter Master General and Commissaries of Stores and Provisions, in the Northern Department."

VI. That if from any unforeseen accident General Starke should be unable or unwilling to engage in the said Enterprize: The Commanding officer in the Northern Department be in such case directed and authorized to appoint some other brave and diligent officer to the said Command and that the officer so Commanding shall have the same powers and with the other officers and Men the same Rewards or Pay as are before proposed.

VII. That all officers in the Service of the United States be required, and all civil officers and others requested, to give every aid and assistance in their power for forwarding and securing the success of the said Enterprize.[1]

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.||

THURSDAY, DECEMBER 4, 1777

A letter of the 30th November, from Joseph Reed, wherein he declines to accept the office of commissioner to the western frontiers, was read:[2]

Resolved, That he be excused.

A letter, of the 1st, from General Washington, and one, of the same date, from Brigadier General Varnum, were read:[3]

Ordered, That they be referred to a committee of five. The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [William] Duer, Mr. [Francis] Dana, Mr. [James] Duane, and Mr. [John] Harvie.

[1] This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 47, folio 171. The words in italics were inserted by Henry Laurens. The paper is endorsed: "Secret, Passed in Congress December 3, 1777. Not to be entered on the Journal for some time."

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 169.

[3] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 229. It is printed in *Writings of Washington* (Ford), VI, 229. That of Varnum is in No. 78, XXIII, folio 73.

Resolved, That the report of the Board of Treasury, on the regulations for the payment of the army, be referred to the new Board of War.

The Board of War brought in a report, which was taken into consideration; whereupon, Congress came to the following resolution:

Whereas, experience hath evidenced that the laws which have been enacted in the State of Pensylvania, permitting the furnishing of substitutes to perform militia duty, have not only tended to impede the march of the militia on critical occasions, but likewise to impede the recruiting service, and to encourage desertions from the continental army:

Resolved, That it be submitted to the consideration of the legislature of the commonwealth of Pensylvania, forthwith to repeal the clause in the said laws which permits the hiring of substitutes to perform militia duty; and, in lieu thereof, to impose and lay such fines on those persons who neglect, or refuse to march when called forth on duty, as the said legislature shall deem adequate to personal service; the fines so levied to be appropriated as a fund for granting such additional bounties to continental recruits as the legislature may deem expedient, in order to complete the deficiencies in their quota of continental troops.[1]

Resolved, That the commissioners for Indian affairs in the northern department be authorised to offer the Indians, whom they may engage to undertake the reduction of the fort and garrison of Niagara, such reward, whether of money or goods, as they may think adequate to the purpose, having in contemplation as well the

[1] This report, dated November 27, is in the *Papers of the Continental Congress*, No. 147, I, folio 399. The members of the Board present were, Francis Lightfoot Lee, William Duer, Joseph Jones, and John Harvie.

œconomy necessary to be observed, as the importance of the object: And for this purpose, that they have authority to draw on the military chest in the northern department for a sum not exceeding 15,000 dollars, and also to receive out of the public stores in the northern department such a reasonable quantity of ammunition for the use of the said nations as may, in the opinion of the commissioners, be necessary to promote the public service.

Resolved, That if the commissioners of Indian affairs in the northern department cannot engage the Indians to undertake the enterprize against Niagara, unless a promise is previously made, that the fort, if taken shall be entirely dismantled, in such case, they be authorised to make this Convention.[1]

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Michael Hillegas, Esq[r] for three hundred and eighty dollars, for cash he advanced to Lieutenant Allen, and the price of a horse and chair to convey 300,000 dollars to North Carolina in July last; the same to be accounted for by the State of North Carolina, and to be considered as a part of the 500,000 dollars appropriated for the use of that State:

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Lieutenant John Allen, for 90 60/90 dollars, the balance of his expences to and from North Carolina with 300,000 dollars to that State in July last; the State to be accountable, and to be considered as a part of the 500,000 dollars ordered to that State:

Ordered, That a warrant issue on John Gibson, Esq[r] auditor general, in favour of John Brown, for his services

[1] A copy of these resolves, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 63, folio 93.

as clerk to the Secret Committee from the 18th March, 1776, to 21 July, 1777, at 50 dollars a month, 805 dollars.[1]

A memorial from John Connolly, a prisoner in York Town gaol, was read:

Ordered, That it be dismissed.

Resolved, That it be earnestly recommended to the legislatures of the states of New Hampshire, Massachusetts bay, Connecticut, and New York, to take effectual measures for the preservation of all pine timber growing within their respective territories, which may be suitable and useful for masts or other purposes of navigation, and for preventing any waste and destruction of that valuable kind of timber.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

FRIDAY, DECEMBER 5, 1777

Mr. Francis Lewis, a delegate from New York, attended and took his seat.

A letter, of the 25 November, from General Gates at Albany, with sundry papers enclosed relative to the enemy's retreat from Ticonderoga and Mount Independence, ||was read:||[2]

Ordered, That the said letter, with the papers enclosed, be referred to the Committee of Intelligence.

A letter, from Captain John Barry, Bordentown, 26 November, enclosing the proceedings of a court martial, held on board the ship *Lyon* November 25, was read:[3]

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 511.

[2] This letter is in the *Papers of the Continental Congress*, No. 154, I, folio 300.

[3] This letter and proceedings of the court martial are in the *Papers of the Continental Congress*, No. 78, II, folios 303 and 307.

Ordered, That the same be referred to the Marine Committee.

~~Some intercepted letters from Owen Jones to sundry persons at Lancaster were laid before Congress, and thereupon~~[1]

A motion being made, ~~and for some time debated,~~

Ordered, That the same be referred to a committee of three.

The members chosen, Mr. [Francis] Dana, Mr. [William] Duer, and Mr. [John] Harvie.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Mease, Esq^r^ cloathier general, for fifty thousand dollars, for the use of his department; he to be accountable:

Ordered, That a warrant issue on Thomas Smith, Esq^r^ commissioner of the loan office for the State of Pensylvania, in favour of James Mease, Esq^r^ cloathier general, for 20,000 dollars, for the use of his department, he to be accountable.

Ordered, That a warrant issue on the treasurer in favour of Captain William Peery, for 2,400 dollars, for recruiting and paying an independent company to be stationed at Lewistown, agreeable to the determination of the Board of War; Captain Peery to be accountable.

Ordered, That a warrant issue on Nathaniel Appleton, Esq^r^ commissioner of the loan office for the State of Massachusetts bay, in favour of the Marine Committee, for 50,000 dollars, to be transmitted to the navy board at Boston; the said Marine Committee to be accountable:

Ordered, That a warrant issue on Joseph Clarke, Esq^r^ commissioner of the loan office for the State of Rhode

[1] This sentence was erased, but is repeated in the entry for Monday.

Island, in favour of the Marine Committee, for 50,000 dollars, to be transmitted to the navy board at Boston; the said committee to be accountable.

Ordered, That a warrant issue on the treasurer in favour of Martin Breneisy, one of the messengers of Congress, ||door-keeper,|| for 84 48/90 dollars, for his attendance from 4th October to 1 December, and for cleaning the rooms, &c.

Ordered, That a warrant issue on the treasurer in favour of Robert Towers, for 1,094 dollars, for his services acting as commissary of military stores and continental armourer, from 19 November, 1775, to the 19 May, 1777, agreeable to a resolution of Congress, passed the 18 September last.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 6, 1777

A memorial from Baron de Fry was read:

Ordered, That the consideration thereof be postponed.

The Board of War brought in a report, which was read, and, after debate,

At a Board of War *5th Dec^r 1777*

Present: Mr. Lee, Mr. Duer, Mr. Harvey and Mr. Smith.

The Board beg leave to report that they have taken into Consideration the Letters which have passed betwixt General Washington and General Howe from the 4th to the 26th of November relative to the exchange and treatment of Prisoners, and submit to the consideration of Congress the following Resolutions:

That General Washington be informed that General Howe's answer to his Letters of the 14th and 23rd of November remonstrating against

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 513.

the inhuman treatment of the American Prisoners, is in the opinion of Congress by no means explicit and satisfactory, since it neither invalidates the truth of the Depositions of Joseph Cloyd and William Dewes citizens of the commonwealth of Pennsylvania, or gives assurance of a more humane attention in future to the American Prisoners in General Howe's power than has been hitherto shewn to them.

That General Washington be directed to require of General Howe a speedy and explicit explanation of *the following* passages in his Letter, in answer to those of General Washington of the 14th and the 23rd November:

"As every Man in my opinion *who comes fairly under the description of a Prisoner of War, without any aggravating Circumstance on his part, is undoubtedly entitled to good Treatment, and every Indulgence which can in prudence be granted:* but that Indulgence can only be regulated by the situation of the place, in which Prisoners happen to reside.

"If ever any Officer or Commissary under my Command has deviated from the Civility, Care and Attention, *due to Prisoners of War, under the above Description, it is not consistent with my knowledge, and is contrary to my Directions and Intention.*

"The Provision issued to the Prisoners which are or have been in my hands, has been uniformly the same, and is agreeable to a Regulation, which has long been established for victualling British Troops, when they are on board Men of War or Transports; they surely must receive that allowance, as a Field Officer visits them every morning, who has orders to hear their Complaints, and to report to me. *You cannot suppose there could be an intention of deviating from this Rule, in the case of Joseph Cloyed and William Dewes.*"

As there are several passages in the above cited Paragraphs which strongly imply General Howe's intention of making a distinction in treatment between Persons taken in Arms and the faithful and leige Citizens of these States, who by chance or the fortune of War may fall into his power; an intention utterly irreconcileable, not only with the principle of humanity but with the Spirit of General Howe's former Sentiments on this subject, as expressed in the following paragraph of his Letter to General Washington, dated Staten Island, August 1st, 1776

"Wishing sincerely *to give Relief to the Distresses of* ALL *Prisoners*, I shall readily consent to the mode of exchange you are pleased to

propose; vizt, Officers for those of equal Rank, Soldier for Soldier, *Citizen for Citizen*, the choice to be made by the respective Commanders for their own Officers and Men.[1]

Ordered, That the farther consideration thereof be postponed to Monday next.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 8, 1777

A letter, of the 6, from General Stephen, was read:

A letter from the Chevalier de Failly, with a letter in his favour from General Gates, was read.

And a petition from Michael Welsh, was read:[2]

Ordered, That the letter from the Chevalier de Failly and the petition of Michael Welsh be referred to the Board of War.

Sundry intercepted letters from Owen Jones, Junr to sundry persons at Lancaster, were laid before Congress:

Ordered, That they be referred to a committee of three.

The members chosen, Mr. [William] Ellery, Mr. [William] Duer, and Mr. [John] Harvie.

Whereas, it is of the greatest importance that Congress should, at this critical conjuncture, be well informed of the state of affairs in Europe; and whereas, Congress have resolved that the Hon. Silas Deane, Esqr be recalled from the Court of France, and have appointed another commissioner to supply his place there:

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 407. The members present were Francis Lightfoot Lee, William Duer, John Harvie, and Jonathan Bayard Smith. It is endorsed by Henry Laurens: "One motion confirmed as an amendment. Resolution offered 8 December. Postponed to 15th."

[2] The letter of Stephen is in the *Papers of the Continental Congress*, No. 162, folio 235; that of Failly, in No. 78, IX, folio 145; that of Welsh, in No. 59, III, folio 193.

Ordered, That the committee for foreign affairs write to the Hon^ble^ Silas Deane, and direct him to embrace the first opportunity of returning to America, and upon his arrival, to repair with all possible despatch to Congress.

Congress resumed the consideration of the report from the Board of War; Whereupon,

Resolved, That General Washington be informed that General Howe's answer to his letters of the 14 and 23d November, remonstrating against the inhuman treatment of the American prisoners, is, in the opinion of Congress, by no means explicit and satisfactory; since it does not invalidate the truth of the depositions of Joseph Cloyd and William Dewees, citizens of the commonwealth of Pensylvania, and strongly implies General Howe's intentions of making a distinction in treatment between persons taken in arms and the faithful and liege citizens of these states, who, by stratagem or the fortune of war, may fall into his power; an intention not only subversive of the principles of humanity, but inconsistent with the spirit of General Howe's former sentiments on this subject, as expressed in his letter dated Staten Island, August 1, 1776, viz. "Wishing sincerely to give relief to the distresses of all prisoners, I shall readily consent to the mode of exchange you are pleased to propose, viz. officers for those of equal rank; soldier for soldier; CITIZEN *for* CITIZEN; the choice to be made by the respective commanders for their own officers and men."

It was then moved, "That General Washington be directed to demand of General Howe a speedy and explicit explanation of the line of conduct which he hath adopted, and means to observe in future to such persons, whether officers, soldiers, or citizens of these states, as may be subjected to his power:"

It was then moved, That the consideration thereof be postponed to Monday next; and the yeas and nays being required:

New Hampshire,		*Maryland*,	
Mr. Folsom,	ay } ay	Mr. Rumsey,	no } *
Massachusetts Bay,		*Virginia*,	
Mr. Lovell,	ay } ay	Mr. F. L. Lee,	no } *
Dana,	ay }	Harvie,	ay }
Rhode Island,		*North Carolina*,	
Mr. Ellery,	ay } ay	Mr. Harnett,	no } no
Connecticut,		*South Carolina*,	
Mr. Dyer,	ay } ay	Mr. Laurens,	no } no
New York,		*Georgia*.	
Mr. Duer,	no } no	Mr. Langworthy,	no } no
Lewis,	no }		
Pennsylvania,			
Mr. Roberdeau,	ay } ay		

So it was resolved that the consideration of the motion be accordingly postponed.

The committee appointed to repair to Lancaster to confer with the general assembly of the State of Pensylvania, report,

That they have executed the business committed to them, and beg leave to refer to the resolves of the said assembly, of the 3d and 6th instant, accompanying this report.

The committee farther report that they have despatched an express to Governor Clinton, to be informed whether the salt ordered to be sent to the North river is arrived there, in order to regulate the movement of the waggons to bring it forward.

Resolved, That a committee of five be appointed to take into consideration the state of those counties in the states of Pensylvania, Jersey, and Delaware, which border on the enemy, or are in the neighbourhood of General

Washington's army, and report the most effectual and vigorous measures for subsisting the army under the command of General Washington, and distressing that of the enemy.

The members chosen, Mr. [William] Duer, Mr. [William] Ellery, Mr. [Francis] Dana, Mr. F[rancis] L[ightfoot] Lee, and Mr. [Eliphalet] Dyer.

A letter from the Viscount de Mauroy, at Boston, and one of the 6th, from the committee at camp, were read.[1]

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.||

TUESDAY, DECEMBER 9, 1777

An application from Mrs. Duggan, for a supply of money, was read. Also a bill of exchange drawn at Boston, June 17, 1777, by Abraham Livingston, for himself and William Turnbull, in favour of Captain Pierre de Campe, was laid before Congress:

Ordered, That the application of Mrs. Duggan and the bill be referred to the Board of Treasury.

The Board of War laid before Congress a correspondence that passed between them and the supreme executive council of Pensylvania, relative to supplying the hospital and army with blankets and cloathing; Whereupon,

Resolved, That the legislature of the commonwealth of Pensylvania be informed, that, in the opinion of Congress, the means which have been pursued in consequence of the ordinance of the council of safety, November 8, 1777,

[1]The letter of De Mauroy is in the *Papers of the Continental Congress*, No. 78, XV, folio 279. That of the committee at camp, in the writing of Elbridge Gerry, is in No. 137, *Appendix*, folio 193.

have by no means been adequate to the laudable designs the council had in view:

That the situation of the army and of the hospitals, for want of blankets and other cloathing, is really deplorable, and, if not speedily remedied, must be attended with the most prejudicial consequences not only to this State but to the general interest:

That Congress, therefore, submit it to the assembly of the State of Pensylvania, whether under these critical, distressing circumstances, it would not be advisable to vest the continental Board of War, or such persons as the said Board may, for that purpose, appoint, with full powers to collect cloathing, and blankets, &c. agreeable to the restrictions in the ordinance of council of the 8 November, 1777.

Ordered, That the Board of War transmit the foregoing resolution to the legislature aforesaid.

A motion being made to recommend it to sundry states to offer pardons and give encouragement to such of the members of their respective states as they judge proper, who having joined the enemy, are willing to return to their allegiance:

Ordered, That it be referred to a committee of four:

The members chosen, Mr. [Francis] Dana, Mr. [Daniel] Roberdeau, Mr. [William] Duer, and Mr. [Eliphalet] Dyer.

The committee to whom were referred the intercepted letters from Owen Jones, Junr to sundry persons at Lancaster, brought in a partial report, and desired leave to sit again on the business.

Congress took into consideration the report of the committee; Whereupon,

Resolved, That the letters from Owen Jones, Junr a prisoner of the commonwealth of Pensylvania, confined

at Winchester in Virginia, to sundry persons at Lancaster, be transmitted by the Board of War to the president of the supreme executive council of the State of Pensylvania; and that it be recommended to the executive authority of the said State, to take such measures on the premises, as they, in their wisdom, shall deem meet.

Ordered, That the committee have leave to sit again:

Resolved, That the president write letters to the several states of Connecticut, New York, Pensylvania, Maryland and South Carolina, representing to them the great and important matters to be transacted in Congress during the winter, and the few members now attending, and that he request them to send forward, without delay, an additional number of members.

That he also write in pressing terms to the states of New Jersey and Delaware, who are unrepresented, to send delegates immediately to Congress.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 10, 1777

A petition from Christopher, Junr and Charles Marshall, was read:

Ordered, That it be referred to the Board of Treasury.

The committee to whom it was referred to take into consideration the state of those counties in the states of Pensylvania, Jersey and Delaware, which border on the enemy, &c. brought in a report, which was taken into consideration, and agreed to as follows:

Resolved, That General Washington be informed, that Congress have observed, with deep concern, that the principal supplies for the army under his command have,

since the loss of Philadelphia, been drawn from distant quarters, whereby great expence has accrued to the public, the army has been irregularly and [often] scantily supplied, and the established magazines greatly reduced, while large quantities of stock, provision and forage, are still remaining in the counties of Philadelphia, Bucks and Chester, which, by the fortune of war, may be soon subjected to the power of the enemy:

That Congress, firmly persuaded of General Washington's zeal and attachment to the interest of these states, can only impute his forbearance in exercising the powers vested in him by Congress, by their resolutions of the 17 September and 14 November, to a delicacy in exerting military authority on the citizens of these states; a delicacy, which though highly laudable in general, may, on critical exigencies, prove destructive to the army and prejudicial to the general liberties of America:

That from these considerations, it is the desire and expectation of Congress, that General Washington should, for the future, endeavour as much as possible to subsist his army from such parts of the country as are in its vicinity, and especially from such quarters as he shall deem most likely to be subjected to the power or depredations of the enemy: and that he issue orders for such purpose to the commissaries and quarter masters belonging to the army:

That General Washington be directed to order every kind of stock and provisions in the country above-mentioned, which may be beneficial to the army or serviceable to the enemy, to be taken from all persons without distinction, leaving such quantities only as he shall judge necessary for the maintenance of their families; the stock and provisions so taken to be removed to places of security under the care of proper persons to be appointed for that

purpose; and that he issue a proclamation, requiring all persons within seventy miles of head quarters, forthwith to thresh out their grain within such limited periods of time, as he shall deem reasonable, on penalty, in case of failure, of having the same seized by the commissaries and quarter masters of the army and paid for as straw:

That General Washington be directed to cause all provisions, stock, forage, waggons and teams, which may be, at any time, in the route of the enemy, and which cannot be seasonably removed, to be destroyed.

Whereas, it is essentially necessary, that magazines should be seasonably provided in the interior part of the country, and many inhabitants, through motives of avarice or disaffection, refuse to thresh out their grain.[1]

Resolved, That it be earnestly recommended to the legislature of the commonwealth of Pensylvania, forthwith to enact a law, requiring all persons within ~~the county of York~~ their State, at the distance of seventy miles and upwards, from General Washington's head quarters, and below the Blue Mountains, to thresh out their wheat and other grain, within as short a period of time as the said legislature shall deem sufficient for that purpose; and, in case of failure, to subject the same to seizure by the commissaries and quarter masters of the American army, to be paid for at the price of straw only, excepting from such penalty, such families only, who, from the absence of the master, sons or servants, in the service of their country, can give good proof that their compliance with the said law was not practicable.[2]

Resolved, That a member be added to the Committee on Appeals:

The member chosen, Mr. [Benjamin] Rumsey.

[1] This paragraph was not in the original report.

[2] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 20, II, folio 17.

Resolved, That two members be added to the Medical Committee:

The members chosen, Mr. [Francis] Lewis and Mr. [John] Penn.

Congress having received information that the inoculation of recruits in the hospital in the State of Virginia has of late been attended with much ill success;

Resolved, That the Medical Committee make strict enquiry into the truth of this information, and report to Congress, with all possible despatch.

Ordered, That to morrow morning, Congress proceed to the election of a commissioner to proceed to the western frontiers in the room of Colonel J. Reed.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasury in favour of Mons[r] Lotbinier, a Canadian chaplain, for 144 dollars, being for his pay and rations from the 10th September to 10 December instant.

That a warrant issue on the treasurer in favour of Captain Martin Pfifer, for 1,000 dollars, for the use of his own, Captain Ashe and Captain Medici's troops North Carolina light-horse; the said Captain Pfifer to be accountable:

That a warrant issue on the treasurer in favour of the delegates, of the State of Georgia, for 2,000 dollars; 1,500 dollars of the said sum being advanced on the application of Mr. [Joseph] Wood, and 500 on the application of Mr. [Edward] Langworthy, two of the delegates of the said State, which sum is to be considered as a part of the 300,000 appropriated for the use of the said State:

That a warrant issue on Thomas Smith, Esq[r] commissioner of the continental loan office in the State of Pensylvania, in favour of James Mease, Esq[r] cloather general,

for 12,000 dollars, advanced him towards the payment of cloathing, purchased by Mr. Zantzinger, for the use of Brigadier General Wayne's division; the said cloathier general to be accountable:

That a warrant issue on the treasury in favour of John Brown, for 1,844 dollars, in discharge of John Ashe's four drafts, dated in the State of North Carolina, the 15 March, 1777, in favour of John Fragneau; one for 410, one for 442, one for 500, and the other for 510 dollars; the said State to be accountable, and to be considered as a part of the 500,000 dollars heretofore ordered for the use of that State.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

THURSDAY, DECEMBER 11, 1777

Mr. A[braham] Clark, a delegate from New Jersey, attended, and produced the credentials of his appointment, which were read as follows:

At a joint meeting of the legislative council and general assembly of the state of New Jersey, held at Princeton, on the 20th day of November, 1777: The joint meeting proceeded to the election of five delegates, to represent the state in the general Congress of the United States, and, the ballots being taken, the honorable John Witherspoon, Abraham Clark, Jonathan Elmer, Nathaniel Scudder, and Elias Boudinot, esqrs. were duly elected.

Resolved, therefore, That the said John Witherspoon, Abraham Clark, Jonathan Elmer, Nathaniel Scudder, and Elias Boudinot, or any one or more of them, be empowered to represent and vote in behalf of this state, in the general Congress of the United States of North America, until the first day of December, which will be in the year of our Lord, one thousand seven hundred and seventy-eight, unless a new

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 515.

appointment shall sooner take place. It is, nevertheless, expected, that three of the said delegates do constantly attend Congress, unless prevented by sickness or other accident.

By order of the joint meeting,

JOHN STEVENS, *Chairman.*

Attest. CHARLES PETTIT, *Secretary.*

According to the order of the day, Congress proceeded to the election of a commissioner to go to Fort Pitt, in the room of Colonel Reed, who is excused, and, the ballots being taken, George Clymer, Esq[r] was elected.

The Board of War report,

"That, in their opinion, the public interest will be promoted by erecting in the town of York, temporary barracks or sheds sufficient for containing 600 men, for the purpose of accommodating such recruits, and other troops, as may be, from time to time, stationed or detained at the said place, either as guards, or for the purpose of equipment and discipline:" Whereupon,

Resolved, That the Board of War be directed to cause the said barracks or sheds to be erected, with all possible despatch, and in the most reasonable manner they can devise.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That a warrant issue on the Treasurer in favour of Lt. Col. Failly, for four hundred Dollars advanced to him on his pay, he to be accountable.

Ordered, That a warrant issue on the treasurer in favour of William Hurrie, for 84 dollars, for his attendance as door keeper to Congress, from first August to 19 September, for nursing wounded soldiers, &c.[1]

The committee appointed to report a mode of conducting an enquiry into the causes of the failure of the expedition against Rhode Island, and into the conduct of the

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 517.

general officers conducting such expedition, report as their opinion:

That five commissioners be appointed, and that they or any three of them be empowered to conduct the enquiry; that they meet for that purpose on the first Monday in February next, at Providence, in the state of Rhode Island and Providence Plantations; that they summon before them the commanding officer and all the general officers concerned in the conduct of the said expedition, and all such other officers and persons as they may think proper:

That the mode of their enquiry be by question and answer:

That they enquire what number of troops were assembled for the expedition; what number of continental troops, of fifteen months' men, of militia, of volunteers, of artillerists or train, and what was the quantity and species of ordnance and ordnance stores; whether any extra militia were called forth, when, why, for what time; and what number of them did appear at the posts in arms, and when they were dismissed; how long before the time fixed for their rendezvous, the commander in chief had knowledge of the number of troops to be employed in the expedition; whether the necessary preparations were made for a descent on Rhode Island previous to the time of rendezvous, or at any time afterwards; and what those preparations were; when they were in readiness for an attack; and if, at any time, they were ready, why the attack was postponed from day to day, until the time expired for which the militia were ordered out; and the particular reasons why it was each day postponed; what was the force of the enemy on Rhode Island during the time the expedition aforesaid was on foot?

That they enquire whether any councils of war were held during the said time, and whether their proceedings and determinations were committed to writing, and if they were, that they require the commanding officer to lay the same before them?

That they enquire what was the quantity of provisions expended during the time the troops were assembled for carrying on the expedition; what proportion of the provisions was salted, and from what magazines supplied; and if any and what quantity of fresh provisions might have been obtained for the use of the army under the command of General Spencer?[1]

That they ask all such further questions, and make such further enquiries, by correspondence or otherwise, as they may think will tend to discover the causes of the failure of the said expedition; and that they report to Congress the questions asked, and the answers made, and also a copy of the proceedings and determinations of any and all councils of war that were held during the time aforesaid, together with the opinions of each member of such council upon matters proposed and debated, if practicable to be obtained, and of all other papers that may be laid before them, or which they may otherwise procure respecting the said expedition?[2]

The said report being read, was agreed to.

Congress proceeded to the election of commissioners, and, the ballots being taken, General ||William|| Whipple, of New Hampshire, R. T. Paine, Esq[r] of Massachusetts bay, Egbert Benson, Esq[r] of New York, Oliver Ellsworth, Esq[r] of Connecticut, and Henry Marchant, Esq[r] of Rhode Island, were elected.

[1] This paragraph is in the writing of William Duer.

[2] This report, in the writing of William Ellery, with some phrases by William Duer, is in the *Papers of the Continental Congress*, No. 29, folio 265. On the reverse Thomson has recorded the vote for the commissioners, vizt: Whipple, 9; Paine, 9; Marchant, 7; Ellsworth, 8; Benson, 9; Wilson, 3.

Resolved, That a committee of three be appointed to take under consideration the case of the officers, whether of continental forces, flying camp, or militia, taken prisoners by the enemy, and released on parole, and report, whether any and what allowance of pay and rations ought to be allowed to them:

The members chosen, Mr. [Eliphalet] Dyer, Mr. [Abraham] Clark, and Mr. [William] Ellery.[1]

The delegates of New Hampshire laid before Congress an account of the expences incurred by their State for prisoners brought into the same; also, a state of the exchange of prisoners:

Ordered, That the account of expences be referred to the Board of Treasury, and the state of the exchange to the Board of War.

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.||

FRIDAY, DECEMBER 12, 1777

A letter of the 27 November, from Joseph Trumbull, late commissary general; one, of the 1 December, from Governor Trumbull.

A letter of the 19, one of the 27, and one of the 30 November, and one of the 1 December, from General Heath, enclosing copies of letters that passed between him and General Burgoyne; and a letter from S. Clap, of New Hampshire, and two petitions from prisoners of war in that State.

[1] The report was read on December 23, 1777, and is printed under January 19, 1778, *post*. The balloting for this committee is given by Thomson in the *Papers of the Continental Congress*, No. 29, folio 268, as follows: [2] Harvie, 1; Dana, 3; Dyer, 5; Clark, 5; Ellery, 5; Rumsey, 4; Duer, 2; Harnett, 2.

Also, a letter of 26, and one of the 29 November, from S. A. Otis, deputy cloathier general at Boston, were read:[1]

Ordered, That the letter from Governor Trumbull be referred to the Board of Treasury:

That the letters from General Heath, with the papers enclosed, be referred to the Board of War:

That so much of Mr. Otis's letter as relates to money, be referred to the Board of Treasury, and that the other parts of the said letters be referred to a committee of three.

The members chosen, Mr. [Francis] Dana, Mr. [William] Duer, and Mr. F[rancis] L[ightfoot] Lee.

A letter, of this day, from Mr. President H. Laurens, was read, informing, that "The malady under which he labours has made such a progress as to convince him, by reflecting upon former attacks, that he will not be able to move out of the house, nor to attend his duty in Congress, for some weeks to come; and informing that there is much business upon his table, which it is not in his power to give dispatch to; that every day will accumulate the heap, business will be impeded, and some branches run into confusion; and therefore, humbly moving Congress to proceed to the choice of a president, as an act of propriety and necessity:"[2]

Ordered, That the consideration thereof be postponed till to morrow.

A letter from Mr. Colt, and one from Mr. Champion to William Buchanan, commissary general ||of purchases;|| were laid before Congress and read.

Ordered, That they be referred to the committee on the letters from Mr. Otis, and that they also take into con-

[1] The letter of Joseph Trumbull is in the *Papers of the Continental Congress*, No. 78, XXII, folio 537; those of Heath are in No. 57, folio 41, and No. 157, folios 25, 33, 37; those of Otis, in No. 78, XVII, folios 270, 275.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 185.

sideration a letter from Mr. Buchanan to Mr. [Daniel] Roberdeau.

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock to Morrow.||

SATURDAY, DECEMBER 13, 1777

A letter, of the 10, from General Washington, at White Marsh, was read.[1]

Mr. [William] Smith, a member of the Committee of Commerce, informed Congress that, in pursuance of the orders of Congress, the committee have entered into an agreement with Mr. Gillon, and that he is desirous of having a draught on the loan office for the State of South Carolina, for the first year's advance; Whereupon,

Ordered, That a warrant issue on the commissioner of the loan office for the State of South Carolina, in favour of Alexander Gillon, Esq. for the sum of 125,000 dollars, to enable him to execute the contract entered into with the Committee of Commerce; and that the said sum be charged to the account of the said committee, which is to be accountable:

Resolved, That three members be added to the Committee of Commerce:

The members chosen, Mr. [Francis] Lewis, Mr. [William] Ellery, and Mr. [Cornelius] Harnett.

The Board of War, to whom were referred the letters from Brigadier General Conway, brought in a report, which was taken into consideration; Whereupon,

Resolved, As the opinion of this Congress, that it is essential to the promotion of discipline in the American army, and to the reformation of the various abuses which prevail in the different departments, that an appointment

[1] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 233. It is printed in *Writings of Washington* (Ford), VI, 237.

be made of inspectors general, agreeable to the practice of the best disciplined European armies:

Resolved, That this appointment be conferred on experienced and vigilant general officers, who are acquainted with whatever relates to the general œconomy, manœuvres and discipline of a well regulated army.

Resolved, That the duty of these officers be as follows:

To review, from time to time, the troops, and to see that every officer and soldier be instructed in the exercise and manœuvres which may be established by the Board of War: that the rules of discipline are strictly observed, and that the officers command their soldiers properly, and do them justice.

Resolved, That the inspectors general, respectively, shall give notice to the commanders of regiments, of the time which shall be fixed on for such reviews, who are to prepare the following returns, models of which are previously to be furnished by the inspector general, viz.

A return of cloathing;

A return of arms and accoutrements;

A return of recruits, with an account of the money laid out for that purpose;

A return of the number and names of the wounded men, distinguishing such as are fit for the corps of invalids, and such as are totally unfit for service;

A return of the loss sustained in the regiment by death, desertion, or otherwise;

A return of the pay and rations drawn by each regiment;

A return of all the officers of each regiment, with observations upon the behaviour, capacity and assiduity of every individual:

All the returns, when signed by the field officers of each regiment, are to be carefully scrutinized by the inspector

general, who, after having made and added his remarks upon the same, is to sign and transmit them to Congress.

Resolved, That the inspectors general shall make these reviews in the beginning and at the latter end of every campaign, and at such other times as the commander in chief shall direct, or as they themselves shall severally judge proper, or shall receive orders for that purpose from the Board of War, first giving notice thereof to the commander in chief, and obtaining his leave for reviewing the said troops.

Resolved, That the inspectors general, respectively, shall make this review minutely, man by man, attending to the complaints and representations of both soldier and officer, and transmitting to Congress what petitions and grievances he shall think worthy of notice: that not depending solely upon the accounts and characters of officers as given him by the colonels of regiments, the inspectors general shall examine the said officers in person, direct them to command different manœuvres, and take such measures as shall enable him to give an exact account to Congress.

Resolved, That these reviews, when closed, be transmitted to Congress by the inspector general making the review; who is to furnish the major of the respective regiments with a copy of the same, and to keep another for his own government and assistance in proceeding to the next reviews.

Resolved, That the inspectors general shall examine, from time to time, the pay-books of the respective regiments, which are to be kept in an uniform manner, agreeable to such regulations as may be established for that purpose, giving immediate notice to Congress of any malversation or mismanagement which he may discover.

Resolved, That it be referred to the commissioners of the war office to report such further regulations for this

office, as they shall deem calculated to extend its utility, and to promote the end of its institution.[1]

Resolved, That two inspectors general be now appointed:

Congress proceeded to the election, and, the ballots being taken, Brigadier General Conway was ~~unanimously~~ elected.

Resolved, That the election of the other inspector general be postponed to Monday next.

Resolved, That ~~General Conway be promoted to the~~ another major general be appointed in the army of the United States.

The ballots being taken, Brigadier General Conway was elected.

‖The several matters to this day referred, being postponed,‖

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 15, 1777

A letter, of the 5, from B. Harrison, Esq[r] deputy pay master general in Virginia; and one, of the same date, from William Finnie, Esq[r] deputy quarter master general, to the Board of War, were laid before Congress, and read:[2]

Ordered, That they be referred to the Board of Treasury.

The secretary informed Congress that Mr. Clymer accepted the appointment of commissioner, and would proceed to Fort Pitt as soon as he could get ready:

Ordered, That the States of Pensylvania and Virginia be informed of Mr. Clymer's appointment and acceptance.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 413. The members of the Board present were: Francis Lightfoot Lee, William Duer, Jonathan Bayard Smith, and John Harvie. The original report contemplated only one inspector general.

[2] The letter of Finnie is in the *Papers of the Continental Congress*, No. 78, IX, folio 125.

The Board of Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of the State of Georgia, for 6,807 dollars, to enable them to discharge the demands on them from the said State for that sum, which is to be considered as a part of the money appropriated for the use of the said State, which State is to be accountable.[1]

The Board of Treasury laid before Congress a letter of the 24 November, directed to them, from General Heath, which was read:[2]

Ordered, That the said letter be referred to a committee of five, and that they be directed to enquire into the rise of the expedition against Rhode Island.

The members chosen, Mr. [Eliphalet] Dyer, Mr. [William] Ellery, Mr. [Francis] Dana, Mr. [James] Lovell, and Mr. [John] Harvie.

Mr. [Daniel] Roberdeau, a delegate from Pensylvania, laid before Congress credentials of the appointment of delegates from that State, which were read as follows:

Tho. Wharton, President.

(L. S.) In the name and by the authority of the freemen of the commonwealth of Pennsylvania: the supreme executive council of the said state, to all whom it may concern, sendeth greeting: Whereas, the general assembly of representatives of the freemen of Pennsylvania have elected Dr. Benjamin Franklin, Robert Morris, Daniel Roberdeau, Jonathan Bayard Smith, James Smith, of York-town, William Clingan, and Joseph Reed, esqrs. to represent this state in Congress, and hath made the same known to this council: these are, therefore, to certify, that the said Dr. Benjamin Franklin, Robert Morris, Daniel Roberdeau, Jonathan Bayard Smith, James Smith, of York-town, William Clingan, and Joseph Reed, esqrs. are appointed and authorized to represent the freemen of the state of Pennsylvania in the Congress of the United States of Amer-

[1] This report, dated December 13, is in the *Papers of the Continental Congress*, No. 136, I, folio 519.

[2] This letter is in the *Papers of the Continental Congress*, No. 157, folio 29.

ica. Given under the seal of the commonwealth, at Lancaster, on this thirteenth day of December, in the year of our Lord, one thousand seven hundred and seventy-seven.

Attest, T. MATLACK, *Secretary.*

Congress having received information that large quantities of cattle have been driven down upon the marshes of the county of Kent, in the State of Delaware, and into other parts of the said county, which are exposed to the depredations of the enemy; and the present situation of the State of Delaware, with respect to its internal and open enemies, rendering it impracticable that any measures, which may be devised by the government of the said State, for securing the said stock, can be executed with secrecy and despatch:

Resolved, That the Board of War be authorized and directed to give such orders for securing the said stock as they shall deem most effectual:

That the owners of the stock so removed be paid for the same at reasonable rates.

Congress took into consideration a report of the Board of War, and. after debate ||after some time spent thereon,||

Resolved, That the consideration thereof be postponed.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 16, 1777

James Smith, of York town, a delegate from Pensylvania, attended, and took his seat in Congress.

A letter from Edward Kennedy, an inhabitant of Providence, one of the Bahama Islands, dated at Boston, the

28th October, was laid before Congress, with samples of green indigo, a new manufacture discovered by him:

Ordered, That the same be referred to the delegates of South Carolina and Georgia.

A memorial from Ephraim Marsh, of Elizabeth town, with an account enclosed, was laid before Congress, and read:

Ordered, That it be referred to the Board of Treasury.

Resolved, That Colonel Rawlins be desired to attend Congress to morrow morning, at eleven o'Clock, in order to give such information, as has come to his knowledge, respecting the treatment our prisoners in the hands of the enemy receive from them.

The committee appointed to repair to the camp, having returned, made a report, which was read:

The Committee appointed to repair to the army and confer with General Washington on the best and most practicable means of carrying on a Winter's Campaign with vigor and success, and with his concurrence to direct every measure which circumstances might require for promoting the public service, have attended that business, and beg leave to report:

That your committee arrived on the 3^{d} instant at White Marsh, where the Army was then encamped, and communicated to the General the resolution of Congress respecting their appointment, and were informed by him that he would attend them on the Business the next day, and at the same time received from him for their perusal sundry Letters containing the Opinions of his General Officers "Respecting the propriety of an attack upon the Enemy's lines;" and also other Letters declaring their sentiments on the "necessity of putting the Troops into Winter Quarters, and the properest place to canton them;" which several opinions of the Officers on the questions stated were formed and given in previous to the arrival of your Committee.

That your Committee suggested to the General the necessity of resuming the consideration of a Winter's Campaign, and of calling in large reinforcements of the Militia, to render it vigorous and successful; which induced the General again to require the Opinions of his

General Officers on these points; and several of their opinions in writing being given in before, and others during the Conference with the General on the 4th, were likewise laid before your Committee.

That it appears to your Committee from a perusal of the said Letters, that the General Officers considered an attack upon the Enemy's Lines and Redoubts as an enterprize too dangerous, and not to be hazarded but in case of absolute necessity.

That the numbers of the Enemy nearly equalled that of the continental Army, which should be double to attempt to force lines defended by veteran Troops.

That an attack on the City over the Schuylkill, when frosen, supported by a large Body of Militia, was liable to the same objections, as it was probable the Enemy would be informed of the design, and form a line of redoubts round the City as soon as they knew such an attack was meditated.

That the season was too far advanced to call in large Bodies of Militia in time from the distant States to cooperate with the continental Army, and sufficient force could not be collected from the adjoining States. That if a sufficient aid of Militia could be collected in time, it was doubtful whether they could be furnished with provisions and Forage, and brought to act in concert with the regular Army.

That the Officers and Soldiers were badly cloathed, the former in general discontented with the service, and averse to a Winter's Campaign.

That it would be most advisable to retire to Winter Quarters, to afford time for reforming the army, refreshing and disciplining the Troops, that they might take the Field early in the spring in health and vigor, and thereby prove more essentially useful to the American cause than by being exposed to a Winter's Campaign at the risque of a certain evil for an uncertain good.

Your Committee after deliberating upon these Reasons, hearing the sentiments of the General upon the subject, and considering the want of necessary Cloathing and Blankets to enable the Troops to endure the hardships of a Winter's Campaign, the uneasiness that on many accounts prevailed among the Officers, their indifference to the Service, and universal aversion to continue in the Field during the Winter, the shortness of time for calling forth a Body of Militia properly equiped to aid the continental Army, the want of military apparatus to invest and make regular approaches to the city, and the evil consequences that would result from raising the expectations of the conti-

nent without accomplishing the purpose, the great expence that would be incurred and the certain prejudice to the recruiting Service, came to the following resolutions, which they inclosed to the General in a Letter, a copy of which is hereunto annexed.

That an attempt on Philadelphia with the present Force under Gen! Washington, either by storming the Lines and Redoubts, crossing the Schuylkill, or by regular approaches to the City, is an enterprise under the circumstances of the Army attended with such a variety of difficulties, as to render it ineligible.

That the Season is so far advanced as to render very precarious large reinforcements of Militia from the distant States to cooperate with the regular Army in any attempt across the Schuylkill upon the Ice, and it is apprehended sufficient reinforcements cannot be obtained from the neighbouring States.

That there being time for Congress to determine on the properest mode of reinforcing the Army before the intended enterprise can be carryed into execution, It is expedient for the Committee to adopt measures for that purpose.

That untill sufficient reinforcements can be obtained, such a post should be taken by the Army as will be most likely to overawe the Enemy, afford supplies of provision, wood, Water, and Forage, be secure from surprise, and best calculated for covering the Country from the ravages of the Enemy, as well as provide comfortable Quarters for the Officers and Soldiers.[1]

Ordered, To lie on the table.

Resolved, That Congress meet twice a-day:

That at one o'Clock, Congress be adjourned of course, to three, at which time Congress shall meet in the afternoon.

A petition from Colonel [John] Green was read:[2]

Ordered, That it be referred to the Board of War.

The committee, to whom the letters from Mr. Otis, &c. were referred, brought in a report:

Ordered, That the consideration thereof be postponed till to morrow.

[1] This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 33, folio 87. The letter of the Committee to Washington, dated December 16, is in the *Washington Papers*, vol. 91, folio 108.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 199.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 17, 1777

Dr. [John] Witherspoon, a delegate from New Jersey, attended, and took his seat.

A letter, of the 14 and 15, from General Washington, near the Gulph, with a copy of a letter to him from Lieutenant General Burgoyne, dated Cambridge, November 25.

Also a letter, of 10, [16] from William Livingston, governor of New Jersey. And one, of the 9, from Charles Alexander, late captain of the ||frigate|| *Delaware*, directed to the Marine Committee, were laid before Congress, and read:[1]

Ordered, That the letter from Governor Livingston be referred to the Board of War; and that the letter from Captain Alexander be returned to the Marine Committee.

Resolved, That General Washington be directed to inform General Burgoyne, the Congress will not receive nor consider any proposition for indulgence or altering the terms of the convention of Saratoga, unless immediately directed to their own body.

According to the order of the day, Colonel Rawlins attended, and having informed Congress of the treatment our prisoners in the hands of the enemy receive from them, withdrew.

Adjourned to 3 o'Clock.

[1] The draft of the letter of Washington is in *Letters of Washington*, Series A, III, folio 141. It is printed in *Writings of Washington* (Ford), VI, 242. The letter of Livingston is in the *Papers of the Continental Congress*, No. 68, folio 301.

THREE O'CLOCK, P. M.

Met.

Congress took into consideration the report of the committee on the letter from Mr. S. A. Otis, and, after making some progress therein,

Resolved, That it be re-committed, and the committee be instructed to prepare a circular letter to the states, to accompany the resolutions of Congress.

Resolved, That Mr. [Elbridge] Gerry be added to the committee.

Resolved, That the governor and council of safety of Connecticut be authorized and requested to use their utmost endeavours to lay up all the supplies of salted provisions they are able, and employ proper persons therefor, and co-operate with Mr. Colt therein.

Robert Lawson, a colonel of one of the batallions of Virginia forces, having sent in his commission [to Congress,] and requested leave to resign the same; Whereupon,

Resolved, That his resignation be accepted.

A remonstrance from the council and general assembly of Pensylvania, was read:[1]

Ordered, That the consideration thereof be postponed till to morrow.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.[2]

[1] This remonstrance is printed in *Pennsylvania Archives*, First Series, VI, 104.

[2] The original entry read 3 o'Clock, and the corrected Journal also gives an afternoon session only on Thursday.

THURSDAY, DECEMBER 18, 1777

||Three o'Clock, p. m.||

Mr. Jonathan B[ayard] Smith, a delegate from Pennsylvania, attended and took his seat [in Congress.]

A letter, of the 3d, from General Gates, enclosing a letter to him from General Burgoyne, dated Cambridge, November 14, together with a list of the British and German troops, that surrendered by the convention of Saratoga; also, a letter of the 12, and one, of the 28 November, from R. Varick, Esq[r] deputy muster master general in the northern department, with muster rolls of the northern ||army||, were read:[1]

Ordered, That the letter from General Gates, with the papers enclosed, be referred to a committee of five.

The members chosen, Mr. [John] Witherspoon, Mr. [William] Duer, Mr. [Francis] Dana, Mr. F[rancis] L[ightfoot] Lee, and Mr. J[onathan] B[ayard] Smith.

Resolved, That Mr. [John] Harvie be added to the Marine Committee, in the room of Mr. R[ichard] H[enry] Lee, who is absent.

Congress took into consideration the report from the committee sent to confer with General Washington, and the remonstrance from the executive council and assembly of Pensylvania, and, after some time spent thereon,

Resolved, That the farther consideration thereof be postponed till to morrow.

A letter, of the 7, from General Heath, at Boston was read.[2]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

[1] The letter of Gates is in the *Papers of the Continental Congress*, No. 57, folio 63; that of Burgoyne is on folio 31; that of Varick, in 78, XXIII, folios 65, 69.

[2] This letter is in the *Papers of the Continental Congress*, No. 157, folio 53.

FRIDAY, DECEMBER 19, 1777

Ordered, That the letters from R. Varick, ||read yesterday,|| with the muster rolls enclosed, be referred to the Board of War.

A letter, of the 15, from Monsieur de la Balme, was read.[1]

Congress took into consideration the report of the committee sent to confer with General Washington, and the remonstrance from the council and assembly of Pensylvania:

Mention being made in the report, of letters containing the opinions of the general officers, on different subjects, which were laid before the committees by the General, and on which they had founded their opinion: the committee were asked whether they had those letters?

The committee replied that they had brought the letters with them, but that the General, when he delivered them the letters, mentioned that they might keep them to satisfy themselves and form their judgment, and return them to him when they had done with them. And therefore, they considered themselves obliged to return them to the General.

Ordered, That the committee lay the said letters on the table for the perusal of the members.

The letters were accordingly brought and laid on the table.

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

A certificate from Major General Gates, certifying that he has promoted Dennis John de Bouchet, to the rank of major, was laid before Congress:

Ordered, That it be referred to the Board of War.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 145.

Congress resumed the consideration of the report from the committee sent to confer with General Washington, and the remonstrance from the executive council and assembly of Pensylvania; Whereupon,

Resolved, That a copy of the remonstrance be transmitted by express to General Washington, and that he be desired to inform Congress whether he has come to a fixed resolution to canton the army; and if he has, what line of cantonment he has proposed; in particular, what measures are agreed on for the protection of that part of Pensylvania which lies on the easterly side of Schuylkill, and of the State of New Jersey:

That General Washington be farther informed, that, in the opinion of Congress, the State of New Jersey demands, in a peculiar degree, the protection of the armies of the United States, so far as the same can possibly be extended, consistent with the safety of the army and the general welfare; as that State lies open to attacks from so many quarters, and the struggles which have been made by the brave and virtuous inhabitants of that State, in defence of the common cause, cannot fail of exposing them to the particular resentment of a merciless enemy.

Congress took into consideration the report of the Board of War of the 12, and thereupon, came to the following resolution:

Whereas, Sir William Howe, commander in chief of his Britannic majesty's forces, has required that provisions should be sent in for the subsistence of the American prisoners in his possession, and for the purchase of such necessaries as they may stand in need of, and has prohibited the circulation of the money struck by the authority of these states, within such parts of the country as are at present subjected to his power; whereby great difficulties have occurred in relieving the distresses of the American

prisoners; and whereas large sums of continental bills of credit[1] have been counterfeited and issued by the agents, emissaries and abettors of Sir William Howe:[2]

Resolved, That the accounts of all provisions and other necessaries which already have been, or which hereafter may be supplied by the public to prisoners in the power of these states, shall be discharged by either receiving from the British commissary of prisoners or any of his agents, provisions or other necessaries, equal in quality and kind to what have been supplied, or the amount thereof in gold and silver, at the rate of four shillings and six pence sterling for every dollar of the currency of these states: and that all these accounts be liquidated and discharged, previous to the release of any prisoners to whom provisions or other necessaries shall have been supplied.

The Board taking into Consideration the Letter from General Heath of the 1st Instant with the Petition and Papers enclosed from the Canadian Prisoners, beg leave to report as their opinion, that Congress take into their immediate Consideration a report of a Committee of Congress respecting the establishment of a French Legion, as the most eligible mode of providing for the said Prisoners.[3]

Ordered, That Monday next be assigned for taking into consideration the report of the committee, respecting the establishment of a French legion.

The Committee on the Treasury brought in a report; Whereon,

[1] The original report here read: "Which have been plundered by the enemy from the Citizens of these States.

[2] The original report added: "have not only facilitated to them the means of supplying the Prisoners in the Power of these States at a very low Rate, whilst great obstructions have been thrown in our way, but have likewise tended to encourage the circulation of counterfeit Continental Bills."

[3] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 417. The members of the Board present were: Francis Lightfoot Lee, William Duer, John Harvie, and Jonathan Bayard Smith.

Ordered, That a warrant issue on the treasurer in favour of John Gibson, Esq[r] auditor general, for six thousand dollars, to enable him to discharge a part of the warrant of Congress of 1st September last, drawn on him in favour of the delegates of Georgia; the said auditor general to be accountable.

Ordered, That a warrant issue on the treasurer in favour of the Honorable Henry Laurens, Esq[r] for 400 dollars, to discharge William Palfrey, pay master general, his draft, of the 11 December, in favour of Colonel Moses Rawlins; the said pay master general to be accountable.

Ordered, That a warrant issue on the treasurer in favour of Isaac Wikoff, for 600 dollars, to discharge John Ashe his draft, dated State of North Carolina, 5th of March last, in favour of William Dry, expressed to be for the payment and support of continental troops; the said State to be accountable, and to be considered as a part of the 500,000 dollars, appropriated for the use of that State.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 20, 1777

Whereas, it is represented to Congress, that a considerable number of the nine first regiments of Virginia forces, in the continental service, whose times of inlistment are near expiring, are willing to re-inlist, and many of them have re-inlisted for three years or during the war, upon condition of receiving the continental bounty of 20 dollars, the suit of cloaths allowed by Congress, and a farther bounty of 20 dollars; and whereas, the State of Virginia have engaged to pay the additional bounty, but the cloathier general has not a sufficiency of cloathing to

supply the men; and it is represented that the men are willing to take money in lieu of the cloaths that cannot be supplied, and to furnish themselves with necessary cloathing:

Resolved, That the Board of Treasury be directed to settle the accounts of the said men, and to pay or order them to be paid for the articles of cloathing, with which they cannot be supplied by the cloathier general, agreeable to the estimate fixed by Congress.

The Medical Committee, to whom it was referred to enquire into the conduct of the director of the hospitals at Alexandria, reported, "That from the information of several officers in the Virginia and North Carolina regiments, which are annexed, it appears obvious to the committee that Dr. Rickman, director of the said hospitals, has been guilty of great neglect in not giving proper attendance to the officers and soldiers under inoculation at Alexandria:" The said report and the informations being read,

Resolved, That Dr. Rickman be immediately suspended, and that he attend the Medical Committee, to answer the several complaints exhibited against him.

Ordered, That the Medical Committee transmit to Dr. Rickman a copy of the complaints against him, and direct his attendance:

That the said committee write to Dr. Shippen, director general, and direct him to send immediately a skilful physician to take care of the sick and superintend the inoculation of the soldiers at Alexandria.

Application being made by Robert Yancey, to be reimbursed a sum of public money entrusted to him as pay master of Colonel Bland's regiment, and which he lost;

Ordered, That it be referred to the Board of Treasury

to enquire into the circumstances, and report specially thereon.

Resolved, That Mr. [George] Frost be added to the Marine Committee, in the room of Mr. [Nathaniel] Folsom, who being engaged at the treasury, desires to be excused.

A letter, of the 2, from Brigadier Parsons, with a copy of a letter from him to Major General Tryon, and General Tryon's answer, ||were read.||[1]

Ordered, That Brigadier General Parsons be directed to send to Congress an authentic account of the treatment which John and Philip Vantassel and their families received from the enemy.

A letter, of the 14, from the navy board at Bordentown, in New Jersey, directed to the Marine Committee, was laid before Congress, and read:

Ordered, That it be returned to the Marine Committee, and that they be directed to prepare proper resolutions for supporting the authority of the navy board, and report the same to Congress.

A letter from Flobergue de la Rocatelle, with a memoir annexed, was laid before Congress, ||and read:||

Ordered, That it be referred to the Committee on Foreign Affairs.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Patrick M'Closkey, for 68 dollars, the price of a horse which belonged to him, and was sent with an express to the eastward in February last, and not returned, as appears by the certificate of Mr. [John] Hancock, and Mr. Abeel, assistant quarter master general:

[1] This letter is in the *Papers of the Continental Congress*, No. 161, folio 327.

That a warrant issue on the treasurer in favour of Mr. A. Clark, for the amount of the expences of himself and others, with the public papers, &c. at Bristol, for 39 65/90 dollars.

That a warrant issue on the treasurer in favour of William Buchanan, Esq[r] commissary general of purchases, for 600,000 dollars; 200,000 dollars of which to be sent to Mr. Cuyler, his deputy in the northern department, 200,000 to his deputy, Mr. Colt, in the eastern deparment, and 200,000 to his deputy in the southern department; the said commissary general of purchases to be accountable:

That a warrant issue on John Lawrence, Esq[r] commissioner of the continental loan office in the State of Connecticut, in favour of the hon[ble] the governor and council of safety of the said State, for 200,000 dollars, for the purpose of purchasing provisions agreeable to a resolution of Congress; the said governor and council to be accountable:

That a warrant issue on Thomas Smith, Esq[r] commissioner of the loan office in the State of Pensylvania in favour of Elias Boudinot, for five thousand dollars, to be paid in continental loan office certificates, to bear date the 21 day of May last, it being in discharge of so much borrowed of the said Elias Boudinot at that time by William Palfrey, Esq[r] pay master general, the said pay master general to be accountable:

That another warrant issue on Thomas Smith, Esq[r] commissioner of the loan office in the State of Pensylvania, in favour of Elias Boudinot, for 1,200 dollars, to be paid him in loan office certificates, to be dated the 7th July last, it being so much borrowed of him at that time

by William Palfrey, Esq[r] pay master general, the said pay master general to be accountable:

That the following warrants issue in favour of John Morton, Esq[r] for the payment [of] William Palfrey's two receipts amounting to 14,970½ dollars, which sum was borrowed of the said J. Morton by Mr. Palfrey, payable with interest; one receipt dated Morristown, the 27 day of May last, for 4,700 dollars; the other bearing date, the 27 day of May, for 10,270½ dollars, for which sums the said W. Palfrey, pay master general is to be accountable, viz:

One on Thomas Smith, Esq[r] commissioner of the loan office in the state of Pensylvania, for 14,900 dollars, to be paid in loan office certificates bearing date 27th of May last; and

One on the treasurer, to be paid to Elias Boudinot, Esq[r] for 70½ dollars, with interest thereon from 27 May to 20 December, instant, amounting in the whole to 72 80/90 dollars.

The said committee having represented to Congress, that the warrant drawn in favour of William Buchanan, commissary general of purchases, on the 16 September last, by the president of Congress, on John Lawrence, Esq[r] commissioner of the loan office in the State of Connecticut, for 200,000 dollars, is returned for want of payment, and that Mr. Buchanan desires the same may be cancelled; it was, thereupon,

Resolved, That the said warrant be cancelled, and proper entries made accordingly in the public books at the treasury office.[1]

The committee to whom was re-committed the report of the committee on the letters from S. A. Otis, brought

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 521.

in their report, which was taken into consideration; Whereupon,

Resolved, 1. That it be most earnestly recommended to the respective legislatures of the United States, forthwith to enact laws, appointing suitable persons to seize and take, for the use of the continental army of the said states, all woollen cloths, blankets, linens, shoes, stockings, hats, and other necessary articles of cloathing, suitable for the army, which may be in the possession of any persons inhabitants of, or residents within, their respective states, for the purpose of sale and not for their own private use or family consumption, giving them certificates or receipts for the same, expressing the quantity and quality of the goods; provided, that such laws do not extend to any goods, wares, or merchandise which are, or shall be, *bona fide*, imported into the respective states on account of any persons not citizens of any of these United States, so long as the same shall continue their property, and no longer: and that they inflict such penalties as may be deemed proper on such persons possessed of any of the above enumerated goods, wares, and merchandise, or other articles of cloathing suitable for the army, who, to evade the good intention of the said laws, shall falsely affirm or declare the same to be the property of persons not citizens of any of the said United States.

2. That it be further recommended to make provision in the said laws to empower the commissary general of purchases, or any of his deputies, or such other persons as the respective legislatures may deem expedient, to seize all stock and every kind of provision necessary for the army, which may have been purchased up or engrossed by any person with a view of selling the same, giving to the person, from whom such stock or provisions have been taken, certificates as aforesaid.

3. That the value of all such goods, wares, and merchandise as are above enumerated, or other articles of cloathing, stock, or provisions necessary for the army, which shall be so seized and taken, be ascertained at the rate at which the said articles shall be stated by the convention of the committees of the several states, to be held agreeable to the recommendation of Congress of the 22 day of November last: the articles of cloathing to be paid for by draughts made by the respective states upon the cloathier general; and the stock or provisions by the purchasing commissaries receiving them.

4. And it is further recommended to the respective states, to cause to be made up so much of the cloathing aforesaid as they can complete within a reasonable time, and to send the whole of the cloathing so taken or seized, as well that part which may be made up, as that which may remain unmade, excepting so much as may be necessary for cloathing the recruits inlisted in the states for their respective batallions in the continental service, to the cloathier general, to be distributed in the first instance to the supply of the troops belonging to the State furnishing such cloathing, and the residue in such manner as the commissioners of the war office or the cloathier general shall, from time to time, direct: provided, that this resolution shall not repeal or affect any part of the seventh proposition recommended to the legislatures of the respective states, the 22d November last, relative to the additional cloathing to be furnished by the several states to their respective batallions. And it is further resolved, that the cloathier general transmit, from time to time, to the respective states, an account of the cloathing furnished to their batallions out of the stock by them collected and sent forward, in order that each State may be satisfactorily informed that their troops receive immediate advantage from its exertions in the common cause.

5. And whereas, great waste of cloathing has arisen from the want of fidelity or skill in the persons employed to make up the same:

Resolved, That it be recommended to the respective states to appoint one or more suitable persons to superintend and direct the tradesmen employed to make up the cloaths to be collected as aforesaid, who shall conform themselves to the instructions of the Board of War relative to the form thereof, provided that no delays be suffered to take place from the want of such instructions.

6. And whereas, the comfortable support of the army of these states may hereafter greatly depend on the supplies which they may be able to draw from their own internal resources; it is therefore most earnestly recommended to the said states, to employ a sufficient number of manufacturers and tradesmen to supply the cloathing wanted for their respective batallions, exempting them, under proper regulations, from military duty; and authorizing suitable persons to collect and supply, at the stipulated prices, cotton, wool, flax, leather, and other articles for carrying on the said manufactures.

7. And whereas, certain persons, devoid of, and in repugnance to every principle of public virtue and humanity, instigated by the lust of avarice, are, in each State, assiduously endeavouring, by every

means of oppression, sharping, and extortion, to accumulate enormous gain to themselves, to the great distress of private families in general, and especially of the poorer and more dependent part of the community, as well as to the great injury of the public service. For the effectual suppression of such nefarious practices it is most seriously recommended to the several legislatures aforesaid, forthwith to enact laws, limiting the number of retailers of goods, wares, and merchandise in their several counties, towns, and districts, and obliging them to take license and enter into bonds for the observance of all laws made for their regulation; to make provision in the said laws that no person be allowed to sell by wholesale except the importer, and he only to persons having such licenses, or the certificates hereafter mentioned; and that such of their inhabitants as are not licensed as aforesaid, be restrained from purchasing a greater quantity of such goods, wares, or merchandise than is requisite for their own private or family's use or consumption. And that it be farther recommended to the several states to prohibit any persons whatever, not citizens of their respective states, to purchase within the same, any articles of cloathing or provision necessary for the use of the army, (unless so much as may be requisite for their own private or family's use or consumption,) excepting only such person or persons as shall produce a certificate, under the seal and sign manual of the supreme executive authority of the respective states, purporting that the said person or persons are employed or permitted to make purchases either on account of the public or for the use or benefit of the inhabitants of the State of which he or they are members; and to inflict such punishment upon all atrocious offenders before described, as shall brand them with indelible infamy.

8. And whereas, there is good reason to apprehend that many of the emissaries and abettors of General Howe are dispersed through the United States, under various pretences of amusement or business, whereby they are enabled to spread disaffection, intimidate the people by false news, depreciate the currency of the United States, and avoid serving in the militia, or paying their fines; to prevent these mischiefs it is most earnestly recommended to the supreme executive power of each State, to take the most effectual measures to cause all persons whose character and business is not well known and approved of, to be apprehended, and if they cannot give a good and satisfactory account of themselves, that they be obliged immediately to return to their own states, or be confined in gaol.

The committee having prepared a circular letter to accompany the foregoing resolutions, submitted it to Congress, and the same being read, and approved, is as follows:

Sir: I am directed by Congress to transmit to your honorable body the enclosed resolutions, which the pressing wants of the army, and the arts and avarice of engrossers and extortioners have rendered indispensably necessary to the general welfare.

It is with deep concern that Congress, after having for some time contemplated, in painful silence, the mischiefs which threatened this extended Continent from the growing avarice of the times, feel themselves constrained to recommend measures which the virtue of all classes of men rendered not long since unnecessary, and which a scrupulous regard for security of property to every citizen of these states has hitherto restrained from adopting. But, unhappy the case of America! laws unworthy the character of infant republics are become necessary to supply the defect of public virtue, and to correct the vices of some of her sons; and she is called upon by the grand principle of self preservation, to guard against the parricide of those whom she has fostered in her own bosom.

To minds whose reflections are employed on the importance of the cause in which we are engaged, and which feel for every circumstance which may affect the honour and safety of these states, it must give the most painful sensations to consider that, at a time when the late signal successes we have been blest with, the reduced numbers of the enemy, the difficulties they meet with in procuring foreign levies, and the political complexion of affairs in Europe, have deprived Britain of many of those resources on which she so much depended; when the numbers and improving discipline of our army, the prodigious augmentation of our military stores, the quantity of provisions with which this country abounds, and the large supplies of cloathing which have of late been imported by private persons, afford not only the opportunity but the means, under Divine Providence, of establishing our liberties by a few exertions; this bright prospect should be clouded over, and this great and glorious event endangered by the languor of too many, and by the arts and avarice of designing individuals, who, like the British nabobs of the east, are corrupting the manners of a whole nation, and building vast fortunes on the destruction of the liberties of the western world.

It is to be hoped, however, that the wise and spirited laws of the different states, aided by the influence and exertions of the real patriots,

will apply effectual remedies to these alarming evils; that the old and hardened offenders will be punished; that those in whose bosoms the sparks of public virtue are not yet extinguished, will be reclaimed, the languid roused from their present apathy; and that all classes of men will unite with their former spirit and virtue against an enemy whose progress is marked with every vestige of barbarity, and whose determined object is to establish a tyranny of the most dangerous and debasing nature over the inhabitants of a vast Continent.

Congress flatter themselves that the resolutions herewith transmitted will tend to accomplish some of these valuable purposes, and they therefore esteem it their duty to recommend them to the serious consideration of your honorable house, and hope they will be carried into execution as secretly and expeditiously as possible.

By order of Congress.

AT A BOARD OF WAR, *20th December, 1777.*

Present, Mr. Lee, Mr. Duer, Mr. Harvey and Mr. Jones.

The Board taking into Consideration the Petitions of Colonels Green and Sumner, and other Officers in the Army who have lost their Horses in actual service,

Beg leave to report to Congress,

That every Officer in the Army of the United States whose Duty requires his being on Horseback in time of Action, be allowed the sum of , as a compensation for any horse he shall have killed by the Enemy in Battle. This Resolution to have retrospect, and the Quarter Master General be authorized to pay the said sum to the respective sufferers on the fact being properly authenticated.

That in the opinion of the Board the expences incurred by Colonel John Green for keeping two Horses during the time his wounds rendered his removal last Campaign out of the Jersies necessary, be allowed him and that the same be referred to the Treasury Board for Settlement.

That the part of General Heath's letter of the 19th ultimo respecting money wanted in the Eastern Department be referred to the Treasury Board.

That Elias Boudinot, Esq., Commissary General of Prisoners be empowered to contract with a proper person or persons for erecting in such part of the State of Connecticut as Governor Trumbull shall think proper, Barracks sufficient for the accommodation of fifteen

hundred Men, having special regard, that the Barracks be constructed in the most œconomical manner possible, and erected in a place where the Prisoners may be cheaply and securely maintained.[1]

||The several matters to this day referred, being postponed,

Adjourned to 10 o'Clock on Monday.||

MONDAY, DECEMBER 22, 1777

A letter of the 11, and one of the 22, from Thomas Mullens, brigade major, to General Conway, with a certificate in his favour from Lord Sterling and General Sullivan; one from the Brigadier de Roche Fermoy; and one from Mons. de Kermovan; two from the Chevalier de Bouchet; and one from the Viscount de Laumagne, were read:

Ordered, That they be referred to the Board of War.

A letter, of the 29 November, from General R. Howe, at Charleston, South Carolina, was read:

Ordered, That it be referred to the Board of War.

Mr. [Nathaniel] Folsom, a member from New Hampshire, laid before Congress a paragraph of a letter from an officer of the troops from that State, in the army under General Washington, representing the distresses of the said troops for want of cloathing:

Ordered, That the said paragraph, together with the remonstrance lately received from the council and assembly of Pensylvania, be referred to the Board of War.

A letter of [November 25] from Colonel David Mason, at Williamsburg, was read:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 421. The members present were Francis Lightfoot Lee, William Duer, John Harvie, and Joseph Jones.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 287.

Ordered, That it be referred to the Board of War.

Resolved, That all such gold and silver as shall be received in consequence of the resolution of Congress of the 19, for provisions or other necessaries supplied by the public to prisoners in the power of the United States of America, shall be forthwith paid into the continental treasury, subject to the future order of Congress.

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Lieutenant Colonel Failly for 300 dollars, to be advanced him on his pay, he to be accountable:

That a warrant issue on Thomas Smith, Esq[r] commissioner of the continental loan office in the State of Pensylvania, in favour of Elias Boudinot, Esq[r] commissary general of prisoners, for 10,000 dollars, advanced him upon application of the Board of War; the said commissary general to be accountable:

That a warrant issue on the treasurer in favour of Major James Armstrong Wilson, for 500 dollars, for recruiting two independent companies to be under his command, ordered to be stationed at Carlisle; the said Major Wilson to be accountable:

That a warrant issue on the treasurer in favour of Captain John Fr. Mercer, for 1,834 2/3 dollars, being the balance of bounty, cloathing, and blankets due to 53 non-commissioned officers and privates of the third Virginia regiment, now under the command of the said Captain Mercer, who is to be accountable for this sum.

~~Ordered, That the said sums be paid.~~

Ordered, That the report of the committee, respecting the establishment of a French legion, be postponed.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 23, 1777

A letter, of the 8th, and one, of the 11, from General Gates; one, of the 12, from Governor Trumbull, with a copy of a letter from R. Pigot to General J. Burgoyne, enclosed; one, of the 3, from Colonel Gansevoort, were read.[1]

Ordered, That the letter of Governor Trumbull, with the letter enclosed, be referred to the committee on General Heath's letter.

That the letter from Colonel Gansevoort, be referred to the Board of War.

A letter of 29 November from Eb. Hancock, with a monthly return. One of the 15 instant from Colonel Mason at Williamsburg. One of the 17 October, 1777, from John Kendrick, at Nantes, were read.

Ordered, That the two former be referred to the Board of Treasury, and the latter to the Committee of Commerce.

The delegates from Virginia laid before Congress an account of the expences incurred by the State of Virginia for prisoners:

Ordered, That it be referred to the Board of Treasury.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 24, 1777

A memorial from Lieutenant Colonel Barton, who took General Prescot prisoner, was read:[2] Whereupon,

[1] The letters of Gates are in the *Papers of the Continental Congress*, No. 57, folios 71 and 75; that of Trumbull, in No. 66, I, folio 355; that of Pigot, in No. 57, folio 79.

[2] This memorial, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 41, I, folio 148.

Resolved, That Lieutenant Colonel William Barton, on account of his enterprizing spirit, and his merit in taking Major General Prescot prisoner, be promoted to the rank and pay of a colonel in the service of the United States; and that he be recommended to General Washington, to be employed in such services as he may deem best adapted to his genius.

The delegates of Virginia having applied for an advance of 150,000 dollars to their State, to pay for goods collected and seized for the continental army, in consequence of a recommendation of Congress:

Ordered, That it be referred to the Board of Treasury.

A motion being made by the delegates of New Jersey, for an advance of 120,000 dollars to that State:

Ordered, That it be referred to the Board of Treasury.

Application being made by the delegates of New Hampshire for 150,000 dollars for that State:

||*Ordered*, That these several applications be referred to the Board of Treasury.||

The Board of Treasury brought ||in a report:|| Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of Maryland, for 600 dollars, upon the application of Mr. [Benjamin] Rumsey, one of the said delegates; the State to be accountable:

That a warrant issue on the treasurer in favour of Isaac Melchior, Esq[r] barrack master general, for 15,000 dollars, for the use of his department, and for which he is to be accountable.

Resolved, That all the forces under the command of General Gates, or the commanding officer in the northern department, shall be paid by Jonathan Trumbull, Jun[r] Esq[r], deputy pay master general in the northern department.

A letter from the president of the council of Pensylvania, to the delegates of that State in Congress, was laid before Congress, and read:[1]

Ordered, That it be referred to a committee of four.

The members chosen, Mr. [John] Harvie, Mr. [Abraham] Clark, Mr. [William] Duer, and Mr. [Eliphalet] Dyer.

A petition from Samuel Mifflin, by his proctor, William Lewis, relative to the brig *Sally*, captured by Samuel Champlin, commander of the privateer *American Revenue*, condemned in the court of admiralty in the State of North Carolina, which condemnation it is alleged was wrongfully obtained by a tortious and fraudulent act of Captain Champlin, and praying to be allowed the privilege of an appeal, was read:[2]

Ordered, That the consideration thereof be postponed.

A memorial from Israel Pemberton, &c., to the Congress and executive council of Pensylvania, was laid before Congress.[3]

The committee appointed to consider what pay and allowance ought to be made to continental flying camp or militia officers, captured by the enemy, and held as prisoners or admitted to return home on parole, brought in a report:

Ordered, That the consideration thereof be postponed.

Resolved, That a committee of three be appointed to take into consideration the wants of the army, and the

[1] This letter is printed in *Pennsylvania Archives*, First Series, VI, 116.

[2] This petition is in the *Papers of the Continental Congress*, No. 42, V, folio 59. An earlier petition, dated May 8, 1777, is on folio 67. With the first petition is the following, in the writing of Francis Dana: "Resolved, That the Petitioner have leave to withdraw his petition, the subject matter thereof being, in the opinion of Congress, proper for the Enquiry of the Legislative Authority of the State of North Carolina, who if they see fit will grant a new Trial to the Petitioner."

[3] This memorial is in the *Papers of the Continental Congress*, No. 41, VIII, folio 42. It is printed in *Pennsylvania Archives*, First Series, VI, 111.

letter from the committee lately sent to camp, directed to General Washington:

The members chosen, Mr. [Elbridge] Gerry, Mr. J[onathan] B[ayard] Smith, and Mr. [John] Witherspoon.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Friday next.

FRIDAY, DECEMBER 26, 1777

The president attended.

A letter, of the 28 November last, from General Schuyler, at Saratoga, was read.[1]

Resolved, That three members be added to the committee appointed to enquire into the causes of the evacuation of Ticonderoga and Mount Independence, and into the conduct of the general officers in that department ||at the time of the evacution:||

The members chosen, Mr. [Francis] Dana, Mr. [John] Witherspoon, and Mr. [William] Ellery.

Resolved, That a committee of three be appointed to devise effectual means to prevent persons disaffected to the interest of the United States from being employed in any of the important offices thereof:

The members chosen, Mr. [Daniel] Roberdeau, Mr. [Abraham] Clark, and Mr. [William] Ellery.

A letter, of the 20, from William Lux, enclosing two bills of exchange drawn on the cloathier general by Raymond Demere; one, in favour of John Wright Stanley, Esq[r] for 1,562½ dollars, dated Savannah, 1 November, 1777; the other of the same date, in favour of Messrs.

[1] This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 256.

Peter Lavien & Co. for 3,299 dollars, was laid before Congress and read:

Ordered, That the same be referred to the Board of Treasury.

The committee to whom were referred the letters that passed between General Heath, and General Burgoyne, relative to the resolution of Congress of the 8 November, and the letter from General Burgoyne to General Gates, of the 14 November, 1777, brought in a report, which was read:

Ordered, That it be referred to a committee of the whole.

Resolved, That Congress this afternoon, resolve itself into a committee of the whole, to take into consideration the foregoing report.

A letter, of the 22, and one, of the 23, from General Washington, with sundry papers enclosed, were read:

Ordered, That they be referred to a committee of three:

||The members chosen,|| Mr. [William] Duer, Mr. [John] Witherspoon and Mr. [John] Harvie.

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

According to the order of the day, Congress resolved itself into a committee of the whole, to take into consideration the report of the committee, to whom were referred the letters that passed between General Heath, and General Burgoyne, relative to the resolution of Congress of the 8th November, and the letter of General Burgoyne to General Gates, 14 November, 1777; and after some time spent thereon, the president resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under consideration the report

referred to them, but, have come to no resolution thereon, but desire leave to sit again:

Resolved, That Congress will to morrow resolve itself into a committee of the whole, to consider farther the foregoing report.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

SATURDAY, DECEMBER 27, 1777

A letter, of the 22, from Brigadier General Enoch Poor, recommending the Rev. Israel Evans as chaplain to his brigade; ||was read:||[1]

Ordered, That the consideration thereof be postponed to the afternoon.

A memorial from Brigadiers General Poor and Patterson was read:[2]

Ordered, That it be referred to the committee appointed to enquire into the causes of the evacuation of Ticonderoga, &c.

A memorial from Mons. de la Balme, was read:[3]

Ordered, That the consideration thereof be postponed.

A letter, of 6th December, from Thomas Cushing, Esq[r] at Boston, with a bill of exchange enclosed, in favour of Andrew and James Caldwell, for 13,359 dollars drawn by the said Thomas Cushing on the Hon'ble H. Laurens, president of the Marine Committee:

Ordered, That it be referred to the Marine Committee.

A petition[4] from the Rev. Daniel Batwell, was read,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 159.
[2] This memorial is in the *Papers of the Continental Congress*, No. 163, folio 514.
[3] This memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 150.
[4] This petition is in the *Papers of the Continental Congress*, No. 42, I, folio 153.

setting forth, that by means of his confinement, he is languishing under a dangerous disorder, and praying "to be enlarged on parole, or on giving security, or both, an indulgence which he requests for the sake of his private affairs and the reestablishment of his health:" and also, a certificate from Dr. R[obert] Henry, was read, testifying, "that the petitioner labours under a complication of disorders, and that clear air and gentle exercise are absolutely necessary for his recovery, was read:"

Whereupon, it was moved, that he be allowed to go to his farm, giving his parole to hold no correspondence with the enemies of the United States, nor to do any thing whatever to the prejudice of the American cause, there to remain till further orders;

On the question,

New Hampshire,			*Pennsylvania*,		
Mr. Folsom,	—	no	Mr. Roberdeau,	no	div.
Frost,	no		Jas. Smith,	ay	
Massachusetts Bay,			*Virginia*,		
Mr. Gerry,	no	no	Mr. F. L. Lee,	—	*
Lovell,	no		Harvie,	ay	
Dana,	no		*North Carolina*,		
Rhode Island,			Mr. Penn,	ay	ay
Mr. Ellery,	no	no	Harnett,	ay	
Connecticut,			*South Carolina*,		
Mr. Dyer,	ay	ay	Mr. Laurens,	no	no
New York,			*Georgia*,		
Mr. Lewis,	no	no	Mr. Wood,	no	no
Duer,	no		Langworthy,	no	
New Jersey,					
Mr. Witherspoon,	ay	div.			
Clark,	no				

So it passed in the negative.

It was then moved and

Resolved, That, in the opinion of Congress, the Rev. Mr. Batwell should be discharged out of confinement, on

his taking an oath of allegience to the State of Pensylvania; or, on his refusal, that he should be allowed to go with his family into the city of Philadelphia.[1]

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of General Conway, for four hundred dollars, to be advanced on his pay, to be delivered to Major Mullen; the general to be accountable:

That a warrant issue on the treasurer, in favour of the Rev. John Hurt, chaplain of Brigadier General Weedon's

[1] "Rev. M[r] Batwell, on an application to be enlarged on security on his parole, accompanied with a certificate from his Physician, that fresh air and exercise were absolutely necessary to his recovery, obtained the following resolution: 'That in the opinion of Congress the Rev. M[r] Batwell should be discharged out of confinement on his taking an oath of allegience to the State of Pennsylvania, or on his refusal that he should be allowed to go with his family into the City of Philadelphia.' The delicacy of interfering with this state was agitated, together with the very low condition of the petitioner whose life was reported to be in imminent danger, and might add to the number of marters in the esteem of the disaffected, who interested themselves in his behalf, nevertheless the prayer of the petition was not attended to, but the above alternative given, for Congress did not know how, otherwise, to get rid of importunity, and apprehended this step from all circumstances, would not be disagreeable to the State. I think the above resolve is a specimen of treatment Congress would wish to other diaffected persons in every State, as was at large said in debate, with much concern that decisive measures had not long since been taken with all Enemies to the Independence of America. A committee are appointed to take into consideration the deplorable condition of our army, and to report to-morrow. I make no doubt that the most vigorous measures will be recommended to be *immediately* taken, as with out, the army must disperse as mentioned in my last. My situation is extremely delicate on this occasion; the ruin of our Army, or the interference with the police of the State, I apprehend will be the alternative set before me; under these circumstances I should be glad of advice and assistance. The House of Burgesses, in Virginia, have unanimously consented to the confederation, as handed to them with orders to their Delegates, to confirm it on the 10th March." *Daniel Roberdeau to George Bryan*, York Town, December 29, 1777. *Pennsylvania Archives*, First Series, VI, 144.

brigade, for four hundred dollars, advanced him on his pay, he to be accountable:

That a warrant issue on John Gibson, Esq[r] auditor general, in favour of Francis Minnis, lieutenant in Captain Lewis's company of the first Virginia regiment, commanded by Colonel Hendricks, for 60 dollars, advanced him, for which the said colonel is to be accountable:

That a warrant issue on the treasurer, in favour of the Board of War, for fifty thousand dollars to be by them transmitted to Benjamin Harrison, Jun[r] Esq[r] deputy pay master general in Virginia, for the use of his department, and for which he is to be accountable:

That a warrant issue on Thomas Smith, Esq[r] commissioner of the loan office in the State of Pensylvania, in favour of Colonel William Buchanan, commissary general, for fifty thousand dollars, for the use of his department; the said commissionary general to be accountable:

That a warrant issue on the treasurer, in favour of Mons[r] Rouilhac, for 47,813 25/90 dollars, being in discharge of the principal and interest of Abraham Livingston and William Turnbull, their draught, dated Boston 17 June last, in favour of Captain Pierre de Campe, for value received of James Price, Esq[r] in sundry merchandise for public service, which draught is directed to the Hon. Robert Morris, Esq[r] chairman of the Secret Committee of Congress, and for payment, to apply to James Mease, cloathier general; for which sum the said cloathier general is to be accountable.[1]

Congress resolved itself into a committee of the whole, to consider farther the report of the committee to whom were referred the letters that passed between General Heath and General Burgoyne, relative to the resolution

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 525. There is no report on the grants to Conway and Hurt.

of Congress of the 8 November, and the letter of General Burgoyne to General Gates, 14 November, 1777; and, after some time spent thereon, the president resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the report referred to them, and have come to two resolutions thereon, which he was ready to report, when Congress would receive them:

Ordered, That they be now received:

The report and resolutions are as follows:

The Committee to whom was referred the consideration of the letters which have just past betwixt General Heath and General Burgoyne, relative to the resolution of Congress, of the 8 November, and the letter from General Burgoyne to General Gates, of the 14th November, 1777, beg leave to report:

That they have considered with mature attention the Convention entered into at Saratoga, betwixt General Gates and Lieutenant General Burgoyne, in October last, and the manner in which the same has been complied with, and are clearly of opinion; That the cartouch boxes and every other species of military accoutrements annexed to the persons of the non commissioned officers and soldiers in General Burgoyne's army, ought, agreeably to the spirit of the Convention, and the technical interpretation of the word *arms* in similar cases, to have been delivered up. That this opinion is sanctified by the judgment of the most distinguished writers on the law of nations, and by former precedents, particularly by that of the capitulation of St Johns to General Montgomery, on the 2 November, 1775, by virtue of which, though the surrender of *arms* only is specified, and the private baggage and effects of the garrison are secured from plunder, yet the cartouch boxes and other military accoutrements belonging to the non commissioned officers and privates were without hesitation delivered to the commissaries of the American Army. That, in the opinion of this committee the delivery of the colours belonging to the respective regiments in General Burgoyne's army is likewise comprehended in the said Convention. But as Lieutenant General Burgoyne has declared on his honor to General Gates, that they were left in Canada, your committee are disposed to believe that what a person of such

exalted rank and character asserts on so solemn an appeal must be founded on truth.

Their duty, however, obliges them to suggest that this is not to be easily reconciled with that air of triumph and confidence of success, in which that commander invaded these States, or with the following passage in General Burgoyne's journal, extracted from the London Gazette extraordinary, said to be published by authority, and reprinted in the Boston Gazette, November 24, 1777, No. 1212. "July 6. Soon after day light an officer arrived, express, on board the *royal George*, where in the night I took quarters, as the most centrical situation, with information from Brigadier Frazier, that the enemy were retiring, and that he was advancing with his piquets, leaving orders for his brigade to follow as soon as they could accoutre. This movement was very soon discernable, *as were the British colours which the Brigadier had fixed upon the Fort of Ticonderoga.*" That, in the opinion of this committee, if a proper inquiry were made into the execution of the Convention of Saratoga, it would appear in other instances, that it has not been strictly complied with on the part of General Burgoyne, agreeable to its true spirit and the intention of the contracting parties; but as it is evident, that the cartouch boxes and other military accoutrements have not been delivered up, and as an infringement of any one article, would justify these States in considering the whole treaty a nullity, if their love of substantial justice and their determination of avoiding even the suspicion of want of good faith on their part, did not prevent them from availing themselves of this advantage, your committee deem it unnecessary to enter at present into a farther investigation of this matter.

Your committee beg leave further to report that they have carefully considered the resolution of Congress of the 8 November, directing General Heath to cause to be taken down the name and rank of every commissioned officer, and the name, former place of abode, occupation, size, age, and description of every non commissioned officer and private soldier, and all other persons comprehended in the Convention of Saratoga, and are of opinion: That it cannot be considered as imposing any new condition in the articles of Convention, entered into betwixt Lieutenant General Burgoyne and Major General Gates, but as a measure naturally resulting from the articles of Convention, which the conquering party has a right to avail itself of for its own security, and that this measure would have been strictly justifiable

had no just suspicion of the want of good faith in the party surrendering, presented itself: That General Burgoyne is totally mistaken in his appeal to the conduct of Sir Guy Carlton and himself, with respect to the prisoners released from Canada in August, 1776, when he declares in his letter to General Heath, of the 23 November, "That they were released on their *bare parole* of not serving against the King, until they were exchanged, and that they have since had no other dependance than that of public faith that those men have not been indiscriminately in arms;" since from the original list of the prisoners released from Canada in the possession of Elias Boudinot, Esq^{r}, American commissary of prisoners (and herewith presented), it appears that the provinces, counties and towns to which the prisoners released belonged were annexed to their respective names, which, for the greater security of the conquering party, were in the handwriting of the respective prisoners. Your committee therefore cannot but consider General Burgoyne's refusal to give descriptive lists of the non-commissioned officers and privates, belonging to his army, when connected with his former conduct and declaration, in a very suspicious and alarming point of view.

Your committee beg leave further to report, that the apprehensions of General Burgoyne's future intentions, which result naturally from the circumstances above mentioned, are confirmed by his express declaration in his letter to General Gates, of the 14 November, wherein he declares the public faith plighted in the Convention of Saratoga, to have been broken on the part of these States, alledging, as the cause of this declaration, that the officers and men included in that treaty have not since their arrival at Boston been accommodated with quarters, agreeable to their respective ranks, and to the stipulations made in the seventh article of the Convention.

Your committee beg leave to observe, that the number of persons in continental service quartered in the town of Boston, and the great concourse of strangers to the capital of that State, render it extremely difficult to procure at a short notice, quarters strictly suitable to the rank of the General and other officers, included in the Convention of Saratoga; and therefore, that it is to be supposed that their situation since their arrival could not have been so agreeable as their own desires, and the intention of the public, could wish it to have been; yet, when they admit this circumstance, they beg leave to suggest that General Burgoyne's painting of the sufferings of himself and

officers appears to them highly wrought, and that his charge of the breach of public faith is by no means warranted either by the letter of the preliminary articles agreed on betwixt himself and General Gates on the 14 October, or by the spirit of the Convention, signed on the 16 of the same month. Since, by an examination of these articles, it will appear, that the stipulation with respect to the quartering of officers was not to be construed in that rigorous sense in which General Burgoyne at present affects to consider it, but on the contrary, that it was to be complied with *as far as circumstances would admit.*

Your committee forbear to lay any stress on the attempt of the enemy to alter the place of embarkation from the port of Boston to that of Rhode island, so contiguous to the port of New York at present in their possession, on the seemingly inadequate number of transports and other vessels properly victualled for a winter's voyage to Europe, for an army consisting of 5,642 men including officers and followers of the army (being only 26 in number, as it appears in a letter from General Pigot to Lieutenant General Burgoyne, dated 5 December;) or on the probability there is of the ability of the enemy, who, from authentic accounts, have been deficient in the article of flour, to victual such an army for a voyage of such length on so short a notice; the intelligence of the surrender of General Burgoyne's army having been communicated to General Howe on the October, and the vessels for the transportation of General Burgoyne and his army having arrived at Rhode island on the day of December; Since these suspicions however strong unless accompanied with the express declaration of Lieutenant General Burgoyne in his letter to General Gates of the 14 November, would not in their opinion be a warrantable ground to a nation, justly tenacious of its public faith, to delay in any manner whatsoever the execution of this Convention.

These facts and opinions your committee, in a matter of such high moment to the honour and safety of these States, esteem it their duty to report specially to Congress: And considering that it is evident that General Burgoyne has not in every particular complied with the Convention of Saratoga, agreeable to its true spirit; that he has expressly and without foundation, charged these States with a breach of public faith; that in consequence of this declaration whilst in our power, he may deem himself and the army under him absolved from their compact when released; that from the distance betwixt America

and Great Britain there is no opportunity of accommodating this dispute with the sovereign of the state, in whose behalf this Convention was made within any reasonable period of time; and that the operations of General Burgoyne's army in America would not only defeat the main object of the Convention, but imminently endanger, at this crisis, the liberties of these States, your committee beg leave to recommend to the consideration of Congress the following resolution:[1]

Resolved, That the charge made by Lieutenant General Burgoyne in his letter to Major General Gates, of the 14 November, of a breach of public faith on the part of these States is not warranted by ~~the just construction~~ any article of the Convention of Saratoga; That it *betrays a disposition of availing himself of such declaration* in order to disengage himself and the army under him of the obligations they are under to these United States, and that the security which these States have *hitherto* had in his personal honor is hereby destroyed.

2. *Resolved*, That Lieutenant General Burgoyne in not having ordered the cartouch boxes and several other articles of military accoutrements annexed to the persons of the non commissioned officers and privates in his army to be delivered up has not complied with the articles of Convention entered into betwixt him and General Gates on 16 October.[2]

3. *Resolved*, That there is just ground of suspicion notwithstanding the declaration of Lieutenant General Burgoyne that all the standards and colours belonging to his army were not left in Canada previous to the march of the army from that province.[2]

4. *Resolved*, Nevertheless, that the Congress of these United States will not avail themselves of any noncompliance with the articles of the Convention of Saratoga, which may hitherto have happened on the part of Lieutenant General Burgoyne, but that they will solemnly ratify the same and cause the prisoners surrendered by virtue of it to be released, whenever the King of Great Britain shall on his part cause his ratification of the said agreement to be properly notified to these States without availing himself of the unwarrantable charge of the breach of public faith, which has been alledged against these States by Lieutenant General Burgoyne.[2]

In Committee of the whole,
Resolved, as the opinion of the whole,

[1] To this point the report was struck out in the MS. Journals.
[2] These paragraphs were struck out in the MS. Journals.

That the charge &c. as in the foregoing report,[1]

Resolved, therefore, that the embarkation of *himself* and troops *shall* be suspended till a distinct and explicit ratification of the Convention shall be properly notified *to these States* by the court of Great Britain.

Resolved, That the consideration of the foregoing report be postponed to Monday.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

MONDAY, DECEMBER 29, 1777

A letter, of the 3, and two, of the 4th November, from General R. Howe at Charleston, South Carolina, were read:[2]

Ordered, That they be referred to the Board of War.

The delegates from Virginia laid before Congress a resolution of the two houses of general assembly of that commonwealth, which was read as follows:

VIRGINIA, IN HOUSE OF DELEGATES, *December 12, 1777.*

Although it is the wish of the general assembly that the representation of this commonwealth in Congress should consist of three members at least, yet as it may sometimes happen from unforseen accidents that three may not be present and the State thereby unrepresented,

Resolved, therefore, that from this time until the end of two months after the expiration of this session of general Assembly, any two of the delegates from this commonwealth be empowered to give the vote of this State on any question in Congress, whenever there shall happen to be none other of the said delegates attending.

JOHN TAZEWELL, *C. H. D.*

December 13th, 1777.

Agreed to by the Senate.

JOHN BECKLEY, *C. S.*

[1] Unfinished entries.

[2] Two of these letter are in the *Papers of the Continental Congress*, No. 160, folios 400 and 404.

Resolved, That the committee to whom were referred the letters of the 22 and 23 from General Washington, be discharged; and that the said letters be referred to the Board of War, and that for this purpose Mr. [Cornelius] Harnett, Mr. [Elbridge] Gerry and Mr. [Abraham] Clark, be added, and that the said committee be fully empowered to take the necessary measures for supplying the army with provisions and other necessaries.

A letter from Major Dennis John du Bouchet, was read, wherein he represents, that his bad state of health obliges him to quit the service and return to France, and praying for a certificate of his past services and the reason of his return; and intimating some embarrassment with regard to his finances.

Ordered, That a certificate be granted to him, and that his letter be referred to the Board of Treasury.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Richard Ross, express rider, for 300 dollars, to be advanced in part of his demand to the 16 October; he to be accountable:

That a warrant issue on the treasurer in favour of Monsieur Rouilhac, for 30 44/90 dollars, being so much short charged by him in the interest on Livingston and Turnbull's bill of 17 June, in favour of Captain Pierre de Campe, which interest amounts to £440 6 2 instead of £428 17 9, as reported the 27 instant; the same to be charged to the cloathier general:

That a warrant issue on John Lawrence, commissioner of the continental loan office in the State of Connecticut, in favour of James Stevenson, one of the commissioners

[1] The report is printed under January 1, 1778, *post*.

of accounts for the eastern department, for 600 dollars, to be advanced him, and for which he is to be accountable:

That a warrant issue on the treasurer in favour of Martin Nicholas, for 30 dollars, a gratuity for his riding express with intelligence to Congress.

Resolved, That the several commissioners of the continental loan offices of the United States, be directed to pay the annual interest arising on certificates, that are or may be issued from their respective offices, taking receipts therefor and making returns agreeable to the directions of the Board of Treasury.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

TUESDAY, DECEMBER 30, 1777

The Marine Committee, to whom was referred a letter from the navy board at Bordentown, dated the 11 instant, complaining of the disrespect and ill treatment one of the said board lately received from John Barry, Esq[r], commander of the frigate *Effingham*, brought in a report; Whereupon,

Resolved, That Captain John Barry be required immediately to attend Congress, to answer to the complaint exhibited against him, and that he be furnished with an extract from the letter of the navy board, as far as it relates to the said complaint.

Whereas, it is essentially necessary to the marine service, that the officers of the navy of the United States of America should pay obedience to such orders as the navy boards in the respective departments may at any time find necessary to give them, for promoting the public

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 527.

service; and that all the officers in the said navy should treat the said navy boards with decency and respect:

Resolved, That the navy boards be, and they are hereby empowered to suspend any officer of the navy within their respective districts, who shall refuse to pay obedience to such orders as they may think necessary to issue, or who shall treat them with indecency and disrespect: and the said navy boards are hereby required to give immediate notice to the Marine Committee of any such suspension, with the reasons thereof.

The Marine Committee farther reported, that they have taken into consideration the proceeding and sentence of a court martial, held on board the ship *Lion*, at Bordentown, in New Jersey, for the trial of John Stewart, master's mate of the ship *Repulse*, and James Ledlie, master at arms of the said ship, and John Pemberton, armourer, John Campbell, quarter master, and Michael Tarney, a boy, all belonging to the said ship *Repulse;* and it appearing that the criminals, previous to the offences for which they are under condemnation, had behaved themselves as became their stations, and no positive proof appearing that they intended to desert to the enemy; and they being recommended as proper subjects of mercy, it is their opinion that they be pardoned, on condition they will inlist to serve as privates in the navy during the war:

Resolved, That Congress concur with the committee.

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Washington be directed to inform the brave officers and soldiers of the continental army, now in camp, that, as the situation of the enemy

has rendered it necessary for the army to take post in a part of the country not provided with houses, and in consequence thereof to reside in huts; Congress approving of their soldierly patience, fidelity and zeal, in the cause of their country, have directed one month's extraordinary pay to be given to each, and are exerting themselves to remedy the inconveniencies which the army have lately experienced from the defects of the commissary and cloathier's departments:

That, after the 1st day of January next, the commissary general of purchases be directed, from time to time, to compute the cost of each part of a ration, agreeable to the prime cost of the several articles composing the same; and that he send a certificate thereof to the Board of Treasury, and also to the commissary general of issues, who is thereupon directed to publish the same to the issuing commissaries, to be by them observed, in lieu of the estimate made in the 38 article of the commissary's regulation, passed by Congress the 10th June last:

That General Washington be directed to recommend to the officers of the army to draw such a part of their rations only as may be necessary for their respective subsistence, and to receive the residue in money, at the estimated cost aforesaid, until the difficulties arising from the present deficiency in the commissary's department shall be removed.[1]

Resolved, That the powers vested in General Washington by the resolutions of the 17 September and 8th of October last, and of the 10th inst. be extended from the last day of the present month to the 10th day of April next, unless sooner revoked by Congress.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 425.

[2] This paragraph, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 147, I, folio 400. The limit first named was "to the first day of April for and during the term of three months."

Resolved, That all persons, inhabitants of any of these United States, who have voluntarily inlisted, or shall so inlist with or join the enemy of the said states, and have been or shall be taken in arms, be confined in close gaols, subject to be delivered up to the respective states to which they belong, to be dealt with agreeable to the laws thereof, and that the commissary general of prisoners and his deputies be directed, from time to time, to transmit to the respective states the names of such of their citizens who have been made prisoners.

A letter from Brigadier de Roche Fermoy was read, desiring to be promoted to the rank of major general; Whereupon,

Resolved, That Brigadier de Roche Fermoy be informed that Congress do not think it expedient to promote him to the rank he solicits.

Resolved, That to morrow be assigned for appointing an adjutant general in the room of Colonel Pickering, who is called to the Board of War.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, DECEMBER 31, 1777

A letter of the 22, and one of the 25, from Governor Livingston, were read:[1]

Application being made by the delegates of Virginia, for five field pieces for the use of their State,

Ordered, That it be referred to the Board of War.

Adjourned to 3 o'Clock.

[1] These letters are in the *Papers of the Continental Congress*, No. 68, folios 305 and 309.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of Virginia, for 100,000 dollars, to be advanced to the said State for the purpose of paying for goods collected and seized for the continental army, in consequence of a recommendation of Congress; the said state to be accountable:

That a warrant issue on William Armistead, commissioner of the continental loan office for the State of Virginia, in favour of the delegates of the said State, for 50,000 dollars, for the purpose of paying for goods collected and seized for the continental army, in consequence of a recommendation of Congress; the said State to be accountable:

That a warrant issue on the treasurer in favour of the Board of War for 20,000 dollars, to be transmitted by the said Board to John Smith, Esq[r] county lieutenant of Frederick, in the State of Virginia, to defray the expences of building barracks, purchasing provisions for prisoners of war in the county aforesaid, and the guards over them, and also for paying the guards, it being agreeable to his excellency Governor Henry's letter of the 23 October, to Colonel William Kennedy, the said John Smith to be accountable:

That a warrant issue on Joseph Borden, Esq[r] commissioner of the continental loan office for the State of New Jersey, for 50,000 dollars, to be advanced to, and for which the said State is to be accountable, and to be drawn in favour of the delegates of the said State.

That a warrant issue on the treasurer for 5,898 dollars in favour of Captain Williams, of the North Carolina

batallion, to be paid to the officers and recruits belonging to the several Virginia batallions, under the command of Colonel John Williams, now detained in this place, by direction of the Board of War; for which purpose the said Captain Williams is specially appointed pay master.

Resolved, That the said Captain Williams be directed forthwith to pay off the said recruits, according to the muster rolls attested by General Conway, and to produce receipts from each of the officers and soldiers receiving the advance aforesaid, specifying the regiment or corps to which they belong, to be transmitted by the auditor general to the pay master general, who is to be accountable for the said sums.

Ordered, That a warrant issue on the treasurer in favour of William Buchanan, commissary general of purchases, for 300,000 dollars, for the use of the middle department; the said commissary general to be accountable:

That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts bay for 200,000 dollars, in favour of James Mease, Esq^{r} cloathier general, for the use of his deputy, Samuel Allen Otis, Esq^{r}, in the said State; the said cloathier general to be accountable.

Resolved, That the said cloathier general be directed to authorize Samuel Allen Otis, Esq^{r} to draw on him for such sums in bills of credit as shall be necessary to answer the demands on the said Mr. Otis for cloathing, which cannot be discharged by the preceding draught on the commissioners of the loan office.

Whereas, Samuel Allen Otis, Esq^{r} deputy cloathier general in the State of Massachusetts bay, hath signified to Congress, that he hath contracted with sundry persons in the said State for a large quantity of cloathing for the

use of the continental troops, at the most extravagant rate of 10 to 18 hundred per cent. and that some of the holders of the said goods have even refused to deliver him the same until they shall receive the cash, thereby adding to extortion the crime of wounding the public credit as far as in them lay, and manifesting a disposition callous to the feelings of humanity and untouched by the severe sufferings of their countrymen, exposed to a winter campaign, in defence of the common liberties of the country: Therefore,

Resolved, That Mr. Otis be directed to pay only for such of the said cloathing as he may have actually received,[1] at the rate for which he may have contracted for such cloathing.

Resolved, That it be most earnestly recommended to the legislative authority of the said State of Massachusetts bay, immediately to take and seize the residue of the cloathing which the holders thereof have refused to deliver to the said Samuel Allen Otis, until paid for the same, agreeable to the resolutions of Congress of the 20 inst., which cloathing shall be paid for in manner and at the rate mentioned therein and not otherwise.[2]

Ordered, That the president write to the president of the council of Massachusetts bay, in the terms following:

It is with inexpressible concern that Congress learn the extortionate views and demands of the proprietors of cloathing lately purchased or attempted to be purchased within your State by Mr. S. Allen Otis, deputy cloathier general, for the use of the continental troops, now exposed in the field to the severities of the season; and that those individuals should even add to the crime of extortion a greater, if possible, that of refusing to deliver the goods upon the credit of the thirteen United States, whereby they not only wound the public

[1] The original report reads: "as he may have actually received at the date of this Resolution, or as the Holders thereof have been constantly willing to deliver to him when desired."

[2] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 531.

credit, but in all probability will be the means of many brave soldiers perishing in the field, merely for want of necessary cloaths.

This irrefragable evidence of the depravity of morals, in so many of the citizens of these states, is a most alarming circumstance; and if the several governments do not speedily exert their authority to effectually suppress such unheard of extortion, it will unquestionably issue, and at no very distant period, too, in the destruction of the liberties of this Continent. Congress feel themselves obliged to sound the alarm, however distressing it may be, to the several legislatures of these states, that their revenues cannot support such astonishing extravagance. Shall we then tamely see ourselves compelled, by the wicked conduct of some of the citizens of these states, to the cruel necessity of submitting to the mercy of an enraged tyrant?

This must, however, inevitably be our fate should we delay applying a remedy to so dangerous an evil. Congress have judged it indispensably necessary to come into the resolutions enclosed herein, and those lately transmitted on a like subject, which you are desired immediately to lay before the general assembly for their consideration, who are requested to keep these resolutions, and their proceedings thereon, secret till carried into execution.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That as it is expedient to promote a speedy reformation in the army, as well for the purpose of discipline as œconomy; and the number of officers being already out of all proportion to that of the privates, to avoid further embarrassments in this respect, it be recommended to the governments of the several states, to suspend filling up any vacancies in their respective regiments, until they shall hear further from Congress on the subject.[1]

A motion being made and debated, ||for sending a committee to camp:||

Ordered, That it be referred to a committee of three.

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 429. The members of the Board present were Francis Lightfoot Lee, William Duer, and John Harvie.

The members chosen, Mr. [Francis] Dana, Mr. [William] Duer and Mr. [Eliphalet] Dyer.

Resolved, That the appointment of an adjutant general be farther postponed.

A letter, of this day, from Brigadier de Roche Fermoy;

One, of the 8 November, from Nicholas Cooke, president of the council of war for the State of Rhode Island;

One, of the 17 inst. from Jeremiah Powell, president of the council of Massachusetts bay, were read.[1]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

[1] The letter of de Roche Fermoy is in the *Papers of the Continental Congress*, No. 78, IX, folio 149. That of President Cooke is in No. 78, V, folio 115. That of President Powell is in No. 65, I, folio 284.

STANDING COMMITTEES

STANDING COMMITTEES[1]

Appeals

30 January, 1777. James Wilson
Jonathan Dickinson Sergeant
William Ellery
Samuel Chase
Roger Sherman

12 March, 1777. John Adams
George Read
Thomas Burke

8 May, 1777. Old committee discharged as too numerous. New committee:
James Wilson
James Duane
John Adams
Jonathan Dickinson Sergeant
Thomas Burke

13 October, 1777. A new committee appointed, because of absences
John Adams
Joseph Jones
Richard Law
Henry Marchant
Henry Laurens

17 November, 1777. John Harvie in place of Laurens
Francis Dana " Adams
William Ellery " Marchant

10 December 1777. Benjamin Rumsey

[1] See pages 1063–1068 of Vol. VI. I now give such appointments only as were made in 1777.

Commerce, formerly *Secret Committee*

5 July,	1777.	Robert Morris
		Philip Livingston
		William Smith
		Thomas Heyward
		Elbridge Gerry
12 August,	1777.	Henry Laurens in place of Heyward

Foreign Affairs, formerly *Secret Correspondence*

26 May,	1777.	Thomas Heyward
		James Lovell

Foreign Applications, formerly *Qualifications or Applications*

19 March,	1777.	James Lovell
		Thomas Heyward
		Daniel Roberdeau
12 May,	1777.	Charles Carroll

Indian Affairs

5 February,	1777.	Mann Page, Jr
		James Lovell
		Thomas Burke
30 June,	1777.	George Walton
		James Duane
6 October,	1777.	A new committee:
		James Duane
		George Walton
		Thomas Burke
		Joseph Jones
		Richard Law

Intelligence

17 January,	1777.	Thomas Heyward
		Jonathan Dickinson Sergeant
9 June,	1777.	William Duer

Marine or *Navy*

2 January,	1777.	Jonathan Dickinson Sergeant
		Oliver Wolcott
19 March,	1777.	Abraham Clark in place of Sergeant
29 April,	1777.	Philip Livingston
		William Smith
5 June,	1777.	Roger Sherman
		Henry Marchant
		Nicholas Vandyke
24 June,	1777.	George Frost in place of Whipple
30 June,	1777.	Richard Law " Sherman
17 November,	1777.	Francis Dana
		William Ellery
		Joseph Wood
18 December,	1777.	John Harvie in place of Richard H. Lee

Medical

3 January,	1777.	Nathan Brownson
		Jonathan Elmer
27 March,	1777.	Abraham Clark
		William Ellery
10 December,	1777.	Francis Lewis
		John Penn

Treasury Committee or *Board*

6 February,	1777.	Mann Page, Jr
		Jonathan Elmer
22 February,	1777.	William Smith
22 March,	1777.	Jonathan Bayard Smith
		Lewis Morris
8 May,	1777.	George Clymer excused
		George Walton
3 December,	1777.	Francis Dana
		Benjamin Rumsey
		Joseph Jones

War, Board of

18 January,	1777.	Samuel Adams
26 March,	1777.	George Clymer
8 May,	1777.	Charles Carroll
2 July,	1777.	William Duer
17 October,	1777.	John Harvie
		John Witherspoon
		William Williams
		Joseph Jones
17 November,	1777.	Francis Dana [excused, December 3]
		Jonathan Bayard Smith

BIBLIOGRAPHICAL NOTES.

January 14.

State Bills of Credit and Continental Loan Offices.

146. In Congress / Baltimore, January 14, 1777. / . . / Baltimore: Printed by M. K. Goddard. F°. Broadside.

Contains the resolution of Congress, and a letter from William Govett, A. Audit.-Gen., dated Treasury office, Baltimore, January 30, 1777. A copy is in the Library of Congress. It measures 30 x 19 cms.

January 16.

Address of the New York Convention.

147. An / Address / of the / Convention / of the / Representatives / of the / State / of / New York / to their / Constituents. / Philadelphia: / Printed by John Dunlap. / M, DCC, LXXVII. 12°. pp. 12.

A copy is in the Library Company of Philadelphia. The address in manuscript is in the *Papers of the Continental Congress*, No. 67, I, folio 372.

148. Zuschrift / aus der / Versammlung / der Repräsentanten / des / Staates von New York / an die, / welche sie dazu bestellt haben. / Aus dem Englischen übersetzt. / Philadelphia: / Gedrückt bey Steiner und Cist, in der Zweyten- / strasse, nahe bey der Archstrasse, 1777. 8°. pp. 21.

"*Resolved*, That Congress have received the address of the said convention to the people of that State, . . . and that the same be translated into the German language, and printed at the expence of the Continent." *Journals.*

One thousand copies of the German edition were printed. The translation was made by Lewis Weiss.

January 25.

Proclamation by General Washington.

149. By his Excellency George Washington, Esq; / General and Commander in Chief of all the forces of the / United States of America. / Proclamation. / . . . / Baltimore: Printed by John Dunlap.

On oath to the United States by those who had taken oath to the King under the proclamation of General Howe, November 30, 1776. A copy is in the Library of Congress. It measures 26½ x 21 cms.

February 15.

Committees from four New England States.

150. [Proceedings in part.]

"That such parts of the proceedings of the committees from the four New England States as relate to the price of labour and other things, be published and transmitted to the other States, together with these resolutions." *Journals.*

February 17.

Advertisement for seamen.

151. [Advertisement of the Continental Navy Board for Seamen. Philadelphia: Robert Aitken. 1777.]

Title from Hildeburn's *Issues of the Press in Pennsylvania*, No. 3536, taken from Aitken's ledger. 300 copies were printed.

Mr. Clarence S. Brigham, Librarian of the Rhode Island Historical Society, calls my attention to a broadside in his collections: "Naval Pay List. / . . . / Extract from the minutes. / Charles Thomson, Secretary," based upon the resolutions concerning pay of November 28, December 9 and 13, 1775. It measures 15 x 17 cms. As the rates of pay were not altered in 1776, this may be one of the issues of the Continental Navy Board.

February 25.

Resolutions on desertions.

152. [Congress took into consideration the report of the Committee on Deserters, and thereupon came to the following resolutions . . .]

Ordered, That the foregoing resolve, and the first, second, and third articles of the Articles of War be published in the several papers, . . . and, also that 300 copies be printed in handbills and sent to camp." *Journals.*

February 26.

Letters and Orders for Continental Ships.

153. [Letters and Orders for Continental Vessels, printed for the Continental Navy Board. Philadelphia: Robert Aitken. 1777.]

Title from Hildeburn's *Issues of the Press in Pennsylvania*, No. 3536, taken from Aitken's ledger. 250 copies printed.

February 26.

Rate of Interest.

154. In Congress. / Baltimore, February 26th, 1777. / . . . / Baltimore: Printed by M. K. Goddard.

F°. Broadside.

March 25.

Returns of Loan Offices.

155. In Congress, / March 25, 1777. [Philadelphia: 1777.]

F°. Broadside.

April 1.

Resolution of Navy Board.

156. [Resolve of the Marine Committee. Philadelphia: Printed by Robert Aitken. 1777.]

Title from Hildeburn's *Issues of the Press of Pennsylvania*, No. 3536, taken from Aitken's ledger. 150 copies printed.

April 1.

Resolution for Paying Troops.

157. In Congress, / April 1, 1777. / . . . / Printed by John Dunlap. F°. Broadside.

Contains the resolutions of April 1, 2, 9, and 10. A copy is in the Library of Congress, Letters to Washington. Vol. 90, folio 109. It measures 34 x 20 cms.

April 4.

Resolution on Commissary General of Musters.

158. In Congress, / April 4, 1777. / . . . / Printed by John Dunlap. F°. Broadside.

Contains resolutions of April 4 and 10. A copy is in the Library of Congress, Letters to Washington. Vol. 90, folio 146. It measures 34 x 20 cms.

April 7.

Resolution on Continental Hospitals.

159. In Congress, / April 7, 1777. / . . . / Printed by John Dunlap. F°. pp. 2.

Contains resolutions of April 1 and 12. A copy is in the Library of Congress, Letters to Washington. Vol. 90, folio 145. It measures 38 x 25 cms.

160. In Congress, / April 7, 1777. / . . . / Printed by Hall and Sellers. 1779. F°. Broadside.

April 11.

Resolutions concerning monopoly.

161. In Congress, / April 11, 1777. / . . . / Printed by John Dunlap. F°. Broadside.

April 12.

Rules of Navy Board.

162. [Rules and Regulations of Continental Navy Board. Philadelphia: Printed by Robert Aitken. 1777.]

Title from Hildeburn's *Issues of the Press of Pennsylvania*, No. 3536, taken from Aitken's ledger. 150 copies printed.

April 14.

Resolution on Recruiting.

163. In Congress, / April 14, 1777. Philadelphia: Printed by John Dunlap. [1777.] F°. Broadside.

Contains the resolution of April 14, to enquire into the conduct of recruiting officers, and that of April 29, on settlement of recruiting accounts. A copy is in the Library of Congress. It measures 39½ x 24½ cms. See under No. 169.

April 14.

Resolution for Committee of Conference.

164. In Congress, / April 14, 1777. / . . . / John Dunlap. F°. Broadside.

Contains the resolution of April 14, providing for the Committee [Samuel Adams, William Duer, and Richard Henry Lee] and that of the 15, embodying the report. A copy is in the Library of Congress. It measures 31 x 20½ cms.

April 14.

Revision of Rules and Articles of War.

165. In Congress, April 14, 1777. / . . . / Philadelphia: Printed by John Dunlap. F°. Broadside.

A copy is in the Library of Congress. It measures 33½ x 20 cms.

166. In Congress, April 14, 1777. [Philadelphia: 1777.] 8°. pp. 2.

"Probably printed to add to the already printed editions of the Rules. Thomas Heyward, F. L. Lee, and Abraham Clark were the revising members." *Paul Leicester Ford.*

167. [Rules and Articles. . Philadelphia? 1777]. 8°. pp. 31, 2.

"The copy seen lacked the title-page. I have also seen a copy of what was apparently a New Jersey edition, pp. 30 and more, in the same condition." *Paul Leicester Ford.*

168. Rules / and / Articles / for the better / Government / of the / Troops / Raised, or to be raised and kept in pay by / and at the expence of the United / States of / America. / Boston, New-England: / Printed by Benjamin Edes, in Queen Street. / M, DCC, LXXVII.

April 29.

Resolution on Accounts.

169. In Congress, April 29, 1777. / . . . / Philadelphia, Printed by John Dunlap. F°. Broadside.

A copy is in the Library of Congress, Letters to Washington. Vol. 90, folio 170. It measures 34 x 19 cms. See under No. 163.

May 14.

Resolutions on Quartermaster's Department.

170. In Congress, / May 14, 1777. / . . . / Philadelphia, Printed by John Dunlap. F°. 2 pp.

Five hundred copies were printed. A copy is in the Library of Congress, Letters to Washington. Vol. 90, folio 199. It measures 42 x 22 cms.

171. In Congress, / May 14, 1777. / . . . / Fish-kill: Printed by Samuel Loudon [1777]. F°. pp. 2.

A copy is in the Library of Congress. It measures 32 x 19 cms.

June 10.

Resolutions on Commissary Department.

172. In Congress, June 10, 1777. / . . . / Philadelphia: Printed by John Dunlap in Market-Street. F°. pp. 4.

Contains also resolutions dated June 11 and 16. A copy is in the Library of Congress, Letters to Washington. Vol. 90, folio 209. It measures 34 x 22 cms.

173. [Fish-kill.?]

An imperfect copy is in the Library of Congress. It measures 41 x 26 cms.

June 20.

Forms for paying Army.

174. [Blank forms for pay accounts.]

"*Ordered*, That it [report of Board of Treasury] lie for consideration till Tuesday next, and that, in the meantime, the Board of Treasury prepare printed copies of the form mentioned in the said report." *Journals*, June 20, 1777.

July 19.

Conduct of the Enemy.

175. [Report of the Committee appointed to enquire into the conduct of the enemy, with affidavits.]

"4,000 copies in English and 2,000 copies in German were ordered 'published in a pamphlet' by the Congress, but it is questionable if it ever was done, as no copy is now known to exist."—*Paul Leicester Ford.*

The following is taken from Franklin's correspondence:

"You may have heard that Accounts upon Oath have been taken in America by Order of Congress, of the British Barbarities committed there. It is expected of me to make a School Book of them, and to have 35 Prints designed here by good artists and engraved each expressing one or more of the different horrid facts, to be inserted in the Book, in order to impress the minds of Children and Posterity with a deep sense of your bloody and insatiable Malice and Wickedness. Every kindness I hear of done by an Englishman to an American Prisoner, makes me resolve not to proceed in the Work, hoping a Reconciliation may yet take place. But every fresh Instance of your Devilism weakens that resolution, and makes me abominate the Thought of a Reunion with such a People." *Benjamin Franklin to David Hartley*, 2 February, 1780.

August 11.

Advertisement of Navy Board.

176. [Advertisement for the encouragement of the Navy in the River, by the Continental Navy Board.]

Title from Hildeburn's *Issues of the Press of Pennsylvania*, No. 3536, taken from Aitken's ledger. 100 copies printed.

August 22.

Burgoyne's orders to Baum and Stark's victory.

177. Philadelphia, August 22, 1777. / By an express arrived last evening from General Schuyler to Congress, we have the following important intelligence. [Philadelphia:] Printed by John Dunlap. F°. Broadside.

A copy is in the Library of Congress. It measures 31 x 21 cms.

"Philadelphia, 2d Septr. 1776.

"Sir:

"We have the honor to send your Excellency herewith a number of hand bills published by order of Congress, in that form, for the more easy dispersion thro the army, that the troops may be made acquainted with and emulate the conduct of their brave northern and eastern brethren." *Committee of Intelligence to Washington.*

September 6.

Report of Treasury Committee.

178. In Congress, September 6, 1777. / . . . / Philadelphia: Printed by John Dunlap. F°. Broadside.

September 12.

Information from Army.

179. Chad's Ford, Sept. 11. 1777. 5 o'clock, a. m. / Philadelphia: Printed by John Dunlap. F°. Broadside.

Contains a letter to John Hancock, reporting the progress of the battle of the Brandywine; dated: Chad's Ford, September 11, 1777. 5 o'clock, p. m. Followed by a letter from Gen. Washington, announcing the loss of the battle; dated: Chester, September 11, 1777. Twelve o'clock at night.

A copy is in the Library of Congress. It measures 33 x 20 cms.

October 8.

180. Intercourse with the Enemy.

"I have ordered one Thousand copies of the Resolves relative to putting a Stop to any Intercourse between the Enemy in Philadelphia and the disaffected among us, to be printed at Lancaster, and to be forwarded thence to you for the Use of the Army." John Hancock to Washington, October 14, 1777. *Letters to Washington*, 91, 82.

November 15.

Articles of Confederation.

181. Articles / of / Confederation / and / Perpetual Union / between the / States / of New-Hampshire, Masssachusetts-Bay, Rhode- / Island and Providence Plantation, Con- / necticut, New-York, New-Jersey, Pennsyl- / vania, Delaware, Maryland, Virginia, / North-Carolina, South-Carolina, and Geor- / gia. / Lancaster: / Printed by Francis Bailey. / M, DCC, LXXVII. F°. pp. 26.

A copy, containing the signature of Henry Laurens, as President, is in the Library of Congress.

182. Articles / of / Confederation / and / Perpetual Union / between the / States / of / New-Hampshire, Massachusetts-Bay, / Rhode-Island and Providence Planta- / tions, Connecticut, New York, New- / Jersey, Pennsylvania, Delaware, Ma- / ryland, Virginia, North-Carolina, / South-Carolina, and Georgia. / Annapolis: / Printed by Frederick Green [1777]. 8°. pp. 15.

183. Articles / of / Confederation / and / Perpetual Union / between the / States / of / New-Hampshire, Massachusetts-Bay, Rhode-Island / and Providence Plantations, Connecticut, New- / York, New-Jersey, Pennsylvania, Delaware, Mary- / land, Virginia, North-Carolina, South-Carolina, / and Georgia. / Lancaster, (Pennsylvania,) Printed: / Boston, Re-printed by John Gill, / Printer to the General Assembly. / M, DCC, LXXVII. F°. pp. 16.

A copy is in the Library of Congress.

184. Articles / of / Confederation / and / Perpetual Union / between the / States / of / New-Hampshire, Massachusetts-Bay, Rhode- / Island and Providence Plantations, Con- / necticut, New-York, New-Jersey, Pennsy- / lvania, Delaware, Maryland, Virginia, / North Carolina, South Carolina, and Georgia. / Exeter, New Hampshire, / Printed by Zechariah Fowle. / M, DCC, LXXVII. F°. pp. 8.

185. Articles / of / Confederation / and / Perpetual Union / between the / States / of / New-Hampshire, Massachusetts-Bay, Rhode- / Island and Providence Plantations, Connec- / ticut, New-York, New-Jersey, Pennsylva- / nia, Delaware, Maryland, Virginia, North- / Carolina, South-Carolina, and Georgia. / New-London: Printed by Timothy Green, Printer to / the State of Connecticut. / M, DCC, LXXVII. F°. pp. 11.

A copy is in the Library of Congress.

186. Articles / of / Confederation / and / Perpetual Union / between the / States / of / New-Hampshire, Massachusetts-Bay, Rhode- / Island and Providence Plantations, Con- / necticut, New-York, New-Jersey, Pennsyl- / vania, Delaware, Maryland, Virginia, / North Carolina, South Carolina and Geor- / gia. / Williamsburg: / Printed by J. Dixon & W. Hunter. / M, DCC, LXXVIII. 4°. pp. 15.

A copy is in the Library of Congress.

187. Articles / of / Confederation / and / Perpetual Union / between the / States / of / New-Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, / Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, / Virginia, North Carolina, South Carolina and Georgia. / Williamsburg: / Printed by Alexander Purdie.

A copy is in the Library of Congress. It measures 33 x 21 cms.

188. The / Articles / of Confederation; / the Declaration of / Rights; / the Constitution of this Commonwealth / and the / Articles of the Definitive Treaty / between / Great-Britain and the United / States of America. / Published by Order of the General Assembly. / Richmond: / Printed by Dixon and Holt. [1784.] 12°. pp. 35.

189. Articles / of / Confederation / and / Perpetual Union / between the / States / of / New-Hampshire, Massachusetts Bay, Rhode Island and Provi- / dence Plantations, Connecticut, New York, New-Jersey, / Pennsylvania, Delaware, Maryland, Virginia, North Ca-rolina, South-Carolina, and Georgia. / Lancaster, Printed, / Newbern: Re-printed by James Davis, / MDCCLXXVII. F°. pp. 9.

190. Articles de Confédération & d'Union perpétuelles entre les États de Nouvel Hampshire, Baie de Massachusetts, Rhode Island, Connecticut, Nouvelle York, Nouvelle Jersey, Pennsylvanie, les Comtés de New Castle, Kent et Sussex, sur la rivière Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, Georgie, etc. [Philadelphia?] MDCCLXXVII. 8°. pp. 16.

191. Artikel / des / Bundes und der / Immerwährenden Eintracht / zwiſchen der Staaten von / New-Hampſhire, Maſſachuſetts-Bay / Rhode-Eyland und Providence Plan- / taxen, Connecticut, Neu-Yorck, Neu Jerſey, Pennſylvanien, Delaware, / Maryland, Virginien, Nord-Caro- / lina, Süd-Carolina, und Georgien. / Aus dem Engliſchen Ueberſetzt. / Lancaſter Gedruckt und zu haben bey Francis Bailey. / MDCCLXXVIII. 16°. pp. 16.

December.

Convention at Saratoga.

192.

"Inclosed is a Hand Bill printed by order of Congress relative to the late Convention at Saratoga; this only came to Congress three days ago—as we have had no press here until within these few days and no Gazette as yet published." *Cornelius Harnett to William Wilkinson*, York, December 8, 1777. In *North Carolina Colonial Records*, XI, 818.

Resolutions on trade, &c.

193. Resolves of Congress / concerning / Trade. / Together with the Act for establishing a / Naval-Office / In the State of Massachusetts-Bay. / Also, / The Forms established by the General / Court to be used by the Naval-Officers in / said State. / Printed by Order of said Court. / Boston: N. E. / Printed by J. Gill, M, DCC, LXXVII. 8°. pp. 28.

Journals.

194. Journals / of / Congress, / Containing / the / Proceedings / From January 1st, 1777, to January 1st, 1778. / Published by order of Congress. / Volume III. / Philadelphia. / Printed by John Dunlap. 8°. pp. 603, xxii.

"As originally issued this volume contained 6 additional leaves, being the index to Volume 1, but as these have generally been removed and placed in that volume, I have not included them in the above collation." *Paul Leicester Ford.*

INDEX

Abeel, ———, 1040.

Accomac county, Va., 109, 196.

Accounts, auditors of, 14; militia, 59, 297, 298; northern army, 61, 281, 312, 341, 350; states, 112; commissioners, 175, 202, 249; recruiting, 309; payment, 326; money, 331; broadside, 1084.

Ackerly, Lemuel, 703.

Adams, John, *a delegate from the Massachusetts Bay.* Credentials, 25; attends, 85; leave of absence, 880; motion on pardons, 381*n*; motion on Bedford, 460*n*; commissioner to France, 947*n*, 975, 988. *Committees:* Franklin, 9; Southouse, 89; New England committee, 94; Washington's proclamation, 95, 166*n*; post office, 127; appeals, 172, 337, 936; Lancaster, 203; hospital, 219; enemy's advance, 247; enemy's vessels, 266; Pennsylvania, 314; neutrality, 318; Billingsport, 414; Allison, 536; Du Coudray, 554; Ticonderoga, 596, 688; North, 599; frontiers, 648; Sullivan, 689; Trumbull, 720; resolve, 733; intercourse, 783; McIntosh, 788; appeals, 800; Gates, 859; Saratoga convention, 871. *War Board*, 473*n*, 474*n*, 477*n*, 485*n*, 492*n*, 495*n*, 518*n*, 550*n*, 554*n*, 557*n*, 560*n*, 566*n*, 567*n*, 571*n*, 581*n*, 585, 591*n*, 592*n*, 594*n*, 595, 614*n*, 639, 656*n*, 657*n*, 670, 677*n*, 681*n*, 696*n*, 699*n*, 711*n*, 772*n*, 792*n*, 799*n*, 824*n*. *Votes*, 624, 636, 641, 665, 675, 682, 684, 725, 726, 730, 734, 750, 762, 765, 771, 779, 780, 781, 782, 787, 801, 803, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 880. *Mentioned*, 109*n*, 159*n*, 259, 430, 431*n*, 451*n*, 644*n*, 740*n*, 827*n*.

Adams, Samuel, *a delegate from the Massachusetts Bay.* Credentials, 25; leave of absence, 880. *Committees:* Morgan, 15; impressment, 30; Board of War, 32; Allan, 34; Pennsylvania, 55; Somerset county, 79, 83; Warren memorial, 80; post office, 127; conference with Gates, 189; health of army, 193; applications, 240; supplies at Philadelphia, 254; defence of Pennsylvania, 264; motion, 272; toryism, 275; reinforcements, 294; Wooster, 369; Hall, 507; Georgia, 579; Deane, 596; Du Coudray, 630; Thanksgiving, 851, 855. *War Board*, 474*n*, 477*n*, 485*n*, 492*n*, 495*n*, 518*n*, 550*n*, 554*n*, 557*n*, 560*n*, 566*n*, 567*n*, 581*n*, 591*n*, 592*n*, 594*n*, 595, 614*n*, 639, 643*n*, 656*n*, 670, 677*n*, 681*n*, 696*n*, 698*n*, 699*n*, 772*n*, 792*n*, 799*n*, 824*n*. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 726, 730, 734, 750, 762, 765, 771, 779, 780, 781, 782, 787, 801, 803, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 880. *Mentioned*, 94*n*, 431*n*, 451*n*, 715.

Adams, William, 139.

Address to people, 314, 397.

Adjutant generals, 136, 171, 204, 1069, 1074; northern deputy, 391.

Admiral, rear, 541.

Admiralty courts, appeals, 75.

Aids de camp, pay, 197.

Aitken, James, 560.

Aitken, Robert, 101, 468, 502.

Albany, N. Y., 375.

Alexander, Charles, captain, 1032.

Alexander, Francis, 703.

Alexander, Samuel, lieut., 244.

Alexander, Mark, 19.

Alexander, Morgan, captain, 321.
Alexander, William, captain, 360.
Alfred, 588.
Allan, John, instructions, 38; pay, 39; money, 313; mentioned, 34, 295, 331.
Allegiance, oath of, Washington's proclamation, 95, 165; from loyalists and others, 431.
Allen, Ethan, exchange, 12.
Allen, Heman, 497, 509.
Allen, John, lieut., 1003.
Allen, Thomas, 43.
Allen, William, lieut., 652.
Allison, Francis, 536, 733.
Allison, P., 756.
Alricks, William, 973.
Alsop, Mary, 297.
America, sloop, 603.
American Revolution, privateer, 1052.
Amphitrite, 335, 346, 406.
Anderson, James, lieut., 244.
Anderson, John, 161, 165, 344.
Anderson, Patrick, captain, 533.
Anderson, Robert, 531, 706.
Andrew Doria, 32, 89, 292.
Annapolis, Md., powder, 219.
Anstruther, P., captain, 302.
Antignac, Lewis John Baptist Chambaron d', 615, 673, 681, 702.
Antill, Charlotte, 948.
Antill, Edward, lieut. col., memorial, 10, 60*n*; letter, 207; mentioned, 41, 113, 228, 230, 671, 948.
Apothecary general, 161, 199, 232.
Appeals, committee, members, 40, 75, 172, 337, 800, 936, 1015; reduced, 336; register for, 348; court of, 607.
Appleton, Nathaniel, *Massachusetts loan office*, 330, 334, 363, 836, 894, 1005, 1071.
Appleton, Samuel, 303.
Applications, committee on, 240, 273.
Applications, committee on foreign, 184, 347, 713.
Apprentices, enlistment, 262.
Arendt, Baron de, 170, 185, 226, 227, 267, 575.
Armand de Rouerie, 346.
Armistead, William, 1070.
Armitage, James, 573, 574.
Armitage, Shewbart, 673.
Armour, public, 55, 431; regimental, N.C., 540.
Arms, delivery of, 59, 672; continental, 74, 85, 119, 151, 197, 211; for new levies, 74; deserters, 116; borrowed of states, 119, 152; from France, 476, 825, 883; report on, 602; returns, 613; disaffected in Philadelphia, 679; from New Jersey, 696; repair of, 698.
Armstrong, Francis, 429.
Armstrong, John, brigadier general, 50, 79, 91, 94, 119; resigns, 220, 228, 280, 427, 453, 754, 980.
Armstrong, William, captain, 362.
Army, continental, committees to, 14, 546, 577, 972, 1073; report, 608, 690; committee on wants, 1053; supplies, 26, 134, 248, 580, 780, 741, 755, 799, 962, 976, 1043; money, 44, 134, 190, 332, 388, 533, 610, 617, 672, 798, 975; profanity in, 157; health and discipline, 193, 259, 274; inoculation, 110, 292; new, 119, 576; recruits, 262, 608, 805; pay, 214; bounties, 576; auditor, 580, 609; size, 608; clothing, 581, 809; apportionment, 611; winter quarters, 770; necessaries, 701; pay regulations, 1002; subsisting, 1011, 1013; cantonment, 1036, 1067; extra pay, 1068; to be reformed, 1073.
Army, northern, 32, 33, 312; accounts, 61, 281; supplies, 186; chest, 231, 418, 790, 809; command, 604.
Arnell, John, 461.
Arnold, Benedict, major general, horse for, 372; charges against, 382; ordered to Trenton, 432; to command at Bristol, 467; commission, 624; thanked, 861; rank, 981. *Letters*, 371, 432, 460, 480, 549, 551, 699, 700. *Mentioned*, 323, 409, 428, 461, 540, 545, 553, 567*n*, 863.
Arthur, George, 738.
Articles of war, revision committee, 13, 250, 264, 1084.

Artificers, officers, 753.
Artillery, officers, 753; strengthening regiments, 822.
Ash, Samuel, captain, 627, 1016.
Ashe, John, 714, 737, 761, 791, 803, 860, 1017, 1038.
Atlee, Samuel John, 184.
Auditors, Treasury, 999.
Avery, Elisha, deputy commissary general of issues, 477, 601.
Avery, John, 26, 170, 316, 527, 617.
Avout, ———, 593.
Ayes and noes, 676, 687, 688, 689.
Aylett, William, deputy commissary general of purchases, 477. *Mentioned*, 43, 46, 73, 92, 121, 203, 208, 209, 298, 303, 305, 368, 373, 386, 425, 501, 515, 532, 545, 563, 898.
Babb, Peter, captain, 974.
Babcock, ———, 110.
Bache, Richard, 51, 296*n*, 601, 618, 828, 856, 860.
Bachenstore, Andrew, 80, 847.
Bailey, Francis, 907.
Baker, Henry, 125, 543.
Bakers, superintendent, 323, 574, 638.
Balding [Baldwin?], ———, Capt., 159.
Baldwin, John, captain, 213, 480.
Ball, George, lieut., 275.
Ballantine, Hamilton, 56, 73.
Ballard, Robert, 841.
Ballet, du, 765, 877.
Baltimore, committee of inspection, 8; prisoners, 17, 39; paymaster, 39, 43, 48; hospital, 51; powder house, 64, 219; town battalion, 88; treasury at, 665; rendezvous, 667.
Bank, Joseph, 847.
Barbarities of British, committee on, 43, 49, 124, 276; to be published, 565, 1085. *Mentioned*, 703.
Barber, Nathaniel, Jr., 179.
Barker, John, 82.
Barnard, William, 182, 204.
Barney, John, 108.
Barracks, 50; in Massachusetts, 173, 191; Lancaster, 184, 190; Virginia, 773, 811, 1070; York, 1018; Connecticut, 1047.
Barret, John, 607.
Barrington, William, major, 580.
Barry, Daniel, 547.
Barry, John, 573, 577, 1004, 1066.
Barry, Lavellin, 873.
Bartlett, John, Dr., 254.
Bartlett, Josiah, *a delegate from New Hampshire*. Credentials, 71; mention, 657*n*.
Bartlett, William, 629.
Barton, Kimber, 479.
Barton, William, lieut. col., 565, 580, 1050.
Bate, ———, 523.
Batell, T., 275.
Batson, George, 573, 574.
Battalions, equality of, 270.
Batwell, Daniel, 759, 1055.
Bauer, Jacob, captain, 248.
Baum, Friedrich, lieut. col., 674, 1086.
Baury, de, 189.
Bausman, William, 110.
Bay, John, 174*n*, 185.
Bayard, Stephen, major, 897.
Baylor, George, colonel, 7, 58, 681.
Bayly, Mountjoy, 23.
Bayly, William, 66.
Baynton, John, 545, 553, 826.
Beackley, Christian, 891.
Beall, William, captain, 553.
Beatty, William, colonel, 872.
Becker, lieut. col., 897.
Beckley, John, 1064.
Bedaulx, Frederick de, 745.
Bedford, Gunning, 331, 458, 459, 461, 466.
Bedlow, William, 901.
Beef, for army, 27; committee on, 280, 293.
Beekman, Gerard William, 547.
Begard, ———, lieut., 606, 705, 877.
Bell, David, captain, 899.
Bells, in Philadelphia, 741.
Belton, Joseph, 324, 361, 542, 566.
Benezet, Daniel, 89*n*.
Benezet, John, 257, 453.
Benezet, Samuel, major, 664, 897.
Bennington, N. H., battle of, 771, 861.
Benson, Egbert, 1020.

Berlin, Abraham, 461, 689.
Berlin, commissioner to, 8, 318, 343, 518.
Bernard, John, 59.
Bethlehem, Pa., stores at, 748, 751.
Betton, James, 105.
Betts, Robert, 584.
Beyer, ———, lieut. col., 360.
Bibles, printing of, 733.
Bicking, Frederick, 240, 534.
Biddle, John, 22, 301.
Biddle, Nicholas, captain, 761.
Biddle, Owen, 296*n*.
Billingsport, works at, 414, 451, 541; defense, 538, 550; plan, 553, 557.
Bills of credit, support of, 28, 35, 107, 136, 167*n*, 454, 954; signers, 68, 79, 83, 86, 107, 108, 111, 113, 128, 131, 287, 332, 378, 396; New England proposition, 124; State, 125; circular, 1081; paper, 240; counterfeit, 328; under confederation, 889, 900, 924; depreciation, 1045; issue (5,000,000), 137; issue (5,000,000), 161; issue (5,000,000), 373, 377; issue (1,000,000), 597, 631, 646; issue (1,000,000), 869*n*, 873; issue (1,000,000), 993.
Bills of exchange on France, 454, 724, 730, 743, 777, 811.
Bingham, William, 66, 148, 506, 820.
Bird, Mark, colonel, 495, 496*n*.
Bird, William, lieut., 338.
Biscuit, 574.
Blackburn, John, 43.
Blackwell, William, captain, 54.
Blaine, Ephraim, 213, 228, 231, 317, 617, 710, 727.
Bland, Theodorick, 29, 34.
Bland, Theodorick, colonel, 72, 388, 608, 1039.
Blankets, 31, 39, 172, 475, 537, 550, 742, 748, 883, 1011.
Blicker, James, 617.
Blount, Jacob, 517, 547, 568, 637.
Blount, William, 517, 547, 568, 637.
Boards, Executive, com. members, 26; report, 193.
Boichard, ———, 877. [Bouchard?]
Bois, Pierre François de, major, 679, 681, 692.
Bonds, commissaries, 432.
Borden, Joseph, 250, 320, 448, 868, 984, 1070.
Bordes, de, 187, 189, 258.
Bordley, William, 665*n*.
Boreman, John, 161, 936.
Borré, Prudhomme de, 217, 244, 256, 740, 742, 757, 760, 763, 773, 774, 792.
Bouchard, ———, lieut., 606, 705.
Bouchet, Dennis John de, 1035, 1048, 1065.
Boudinot, Elias, *a delegate from New Jersey*. Credentials, 1017; commissary of prisoners, 239, 328, 422, 491, 627, 1041, 1042, 1047, 1049.
Boulton, Thomas, 395.
Boundaries, State, under confederation, 841, 916, 925, 926, 927.
Bounties, new levies, 28, 576; land, 171*n*; Ohio garrison, 231; to crew *Andrew Doria*, 292; clothing, 716; Virginia troops, 1038.
Bourneuf, ———, 189.
Bowdoin, James, 170.
Bowdoin, Preeson, 958.
Bowen, Elijah, lieut., 90.
Bowen, William [Boyce], 187.
Bower, Jacob, captain, 710.
Bowley, Lux and, 533.
Bowman, Abraham, colonel, 237.
Bowyer, Michael, captain, 372.
Boyce, William, 187*n*.
Boyd, Adam, 540.
Bradford, Henry, 160.
Bradford, John, 59, 179, 535, 778, 809, 893, 929.
Bradford, William, 754.
Bradford, William, Jr., 252.
Bradley, Richard, 590, 618.
Bramall, Thomas, 578.
Branding of cattle, 767.
Brandywine, battle of, 735, 738.
Brannon, Benjamin, 14.
Brattan, James, lieut., 337.
Braxton, Carter, 208, 563.

Breneisy, Martin, 1006.
Brick, John, 338.
Brigade majors, pay, 256.
Brigham, Clarence S., 1082.
Bright and Pechin, 302.
Bringhurst, John, 370.
Brisben, John, captain, 674, 704.
Bristol militia, 410, 712.
Brodhead, Daniel, colonel, 568, 897.
Brook, Clement, 111.
Brookfield, Mass., magazine, 266.
Brown, Alexander, 711.
Brown, Jesse, 825.
Brown, John, lieut. col., 170, 181.
Brown, ———, captain, 715.
Brown, John, 371, 382.
Brown, John, 472.
Brown, John, marine committee, 886, 1003, 1017.
Brown, John, alias John Lee, 374, 382.
Brown, John, 937.
Brown, Nicholas, 480.
Brown, Robert, 186.
Brown, William, 525.
Brownson, Nathan, *a delegate from Georgia.* Credentials, 931; leave of absence, 321. *Committees:* Medical, 13; marine, 26; bills of credit, 107; journals, 212; Schuyler, 280; Gwinnett, 758. *Votes,* 669, 675, 683, 730, 735, 750, 762, 765, 780 *bis.* 781, 782, 787.
Bryan, Andrew, lieut., 471.
Bryan, George, 707, 928, 938, 941, 942, 1057.
Bryson, James, 860.
Buchanan, Andrew, brigadier, 688.
Buchanan, James, 100.
Buchanan, William, commissary general of purchases, 134, 477, 536, 607, 617, 724, 1022; money, 637, 672, 728, 748, 806, 852, 859, 868, 894, 974, 983, 1041, 1042, 1058, 1071. *Letters,* 598, 634, 760, 766, 802, 805, 838, 883, 899, 948, 960.
Buchanan, Andrew, colonel, 96.
Bucklin, Daniel, 493, 602.
Budden, James, 192.
Bull, John, colonel, 482.
Bullitt, Thomas, colonel, 141.
Bunting, William, 673.
Burgoyne, John, lieutenant general, 674, 770, 901; surrender of, 825, 851, 856, 861, 939, 947, 948, 982, 1058. *Letters,* 741, 1021, 1032, 1034, 1050, 1054, 1058. Orders to Baum, 1086.
Burke, Edward, captain, 362.
Burke, Bartholomew, 56, 73, 87, 229.
Burke, Thomas, *a delegate from North Carolina.* Credentials, 85, 411; amendments to Confederation, 328; annotations on address, 397; report on New Hampshire, 513. *Committees:* Medical, 87; marine, 87; Indians, 92; bills of credit, 107; salt peter, 107; North Carolina prisoners, 128; appeals, 172, 337; hospital, 219, 237*n*; recruiting, 257, 263*n*; pay rolls, 266, 283*n*; Schuyler, 280; beef, 281; address, 314; teams, 395; commissary bonds, 433; Indians, 776. *Votes:* 624, 636, 641, 675, 682, 684, 750, 801, 804. *Notes of debates:* 99*n*, 103*n*, 106*n*, 112*n*, 121*n*, 132*n*, 135*n*, 140*n*, 150*n*, 155*n*, 158*n*, 262*n*, 292, 754. *Mentioned:* 94*n*, 109*n*, 195, 259.
Burkhard, Andrew, 361*n*.
Burlington County, N. J., 250.
Burnel, Jonathan, 259.
Burnet, William, 254.
Burns, Pierce, 704.
Burns, Robert, captain, 244.
Bush, Lewis, major, 325.
Butler, Amon, 622.
Butler, Anthony, 557, 637, 727.
Butler, Jeremiah, 467.
Butler, John, colonel, 995.
Butler, Richard, 897.
Butler, Thomas, 55, 188, 431, 566, 664, 992.
Butler, Walter, 863.
Butler, William, lieut. col., 897.
Button moulds, 471.
Buysson, Chevalier de, 743, 744, 769, 770.
Byers, James, 552.
Byrn, John, 429.
Cabell, William, 72.

Cables, 387.
Cadwalader, John, brigadier general, 141, 238; declines, 176; rank, 142.
Cadwallader, Lambert, colonel, 623, 897.
Caghnawaga Indians, 670, 715.
Caldwell, Andrew, 723, 891, 1055.
Caldwell, James, Rev., 93, 182, 266, 393.
Caldwell, James, 1055.
Caldwell, Samuel, 320, 429, 655.
Caldwell & Company, 538.
Calhoun, James, 100, 167, 290*n*, 332.
Calmes, Marquis, 768.
Cameron, Allen, 692.
Camp, committee to, *see* Army, committee.
Camp, west side Delaware, 251.
Campaign, committee on, 972, 1029, 1034, 1035, 1036.
Campbell, Archibald, lt. col., 16, 571; treatment, 135, 179, 412, 421, 621, 653.
Campbell, Donald, colonel, 29, 45, 68, 114, 132, 239.
Campbell, James, 49.
Campbell, John, 216.
Campbell, John, 1067.
Campbell, Peter, 427, 472, 473.
Campbell, Richard, major, 52, 351, 376.
Campbell, Robert, lieut., 244.
Campe, Pierre de, 1011, 1058, 1065.
Canaan, Conn., 315.
Canada, officers, 170; British advance, 273; under confederation, 880, 924; invitation to join, 981, 982.
Canadians, regiment, 671, 986, 1037.
Canyjette, ———, 877.
Candon, ———, 743, 744.
Cannon, Sterling Wade, 204.
Cannon, contracts, 15, 119, 193, 381, 572, 772; price of, 111; foundry at Springfield, 139, 561; in Pennsylvania, 495; purchase, 171, 228, 272; imported, 602; loan from Pennsylvania, 677; ball, 828.
Cantonment of army, 1036.
Cape May, 367.
Carleton, Guy, Sir, 1062.
Carlisle, John, captain, 244.
Carlisle, Penn., powder, 219; stores, 774, 824; gaol, 840.
Carman, Charles, 83.
Carmichael, William, 975.
Carnaghan, John, ensign, 55.
Carpenter, Richard, 32.
Carrington, Edward, lieut. col., 655, 675.
Carroll, Charles, of Carrollton, *a delegate from Maryland.* Credentials, 131. *Committees:* Board of War, 337; foreign applications, 347; Charlestown, 354; Indians, 384. *War Board*, 473*n*, 474*n*, 477*n*, 485*n*, 492*n*, 518*n*, 554*n*, 560*n*, 772*n*, 792*n*, 799*n*. *Votes*, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810. *Mentioned*, 334, 382, 430, 451*n*, 958.
Carroll, Daniel, 131.
Carson, Samuel, 66.
Carswell, John, 294.
Cartel, prisoners, 197, 421.
Carter, John, 327, 341, 705, 744.
Carter, Robert, 832.
Cary, John, 372.
Caswell, Richard, 411, 450, 515, 532, 861, 965.
Cattle, purchase of, 316, 438, 1028; price, 504; allowance for purchase, 523; branding, 767.
Cavalry, composition of regiment and pay, 178; rank, 869, 872.
Celeron, Lewis, 66, 68, 210.
Chambers, Benjamin, captain, 244.
Chambers, James, colonel, 585, 897.
Chamier, Daniel, 290.
Champion, Henry, 1022.
Champlin, Samuel, 351, 1052.
Chaplains, regimental, pay, 256; brigade, 390, 609; returns, 421; North Carolina, 557*n*; hospitals, 754; Congress, 756.
Charleston, S. C., convention on prices, 125.
Charlestown, Mass., 354, 365.
Chase, Samuel, *a delegate from Maryland.* Credentials, 131; attends, 131, 568. *Committees:* Franklin's commission, 9; Kennon, 11; barbarities, 43; provisions, 45; Bingham, 66; appeals, 75; impressment, 78; Southouse, 89; New England committee, 94; bills of credit, 107; desertions, 108; internal enemies, 128; arms,

602; Franklin, 607; Jay, 624; frontiers, 648; South Carolina and Georgia, 660; Pennsylvania militia, 666; army, 701; resolve, 733; intercourse, 783. *Motions*, 164*n*, 168*n*, 644*n*, 763*n*. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 730, 735, 750, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810. *Mentioned*, 23, 145*n*, 157*n*, 745, 770*n*.
Chase, Thomas, 478, 481.
Checkley, Samuel, lieut., 451.
Cheeseborough, John, 605.
Chester, Pa., 667.
Chew, Benjamin, 633, 634, 641, 695.
Chittenden, Thomas, 497, 509.
Christman, Matthias, 370.
Church, Benjamin, 626, 758.
Cilley, Joseph, colonel, 535.
Cist, Charles, and Melchior Steiner, 325.
Claims, commissioners of, 175, 249, 257, 832.
Clairborne, Buller, captain, 98.
Clajon, William, 23, 351.
Clap, S., 1021.
Clapham, Josias, colonel, 759, 839.
Clark, Abraham, *a delegate from New Jersey*. Credentials, 1017; leave of absence, 267; attends, 1017. *Committees:* Articles of war, 13; barbarities, 43; Georgia, 67; Caldwell, 93; commissaries, 177, 501*n*; marine, 186; health of army, 193; hospitals, 206; enemy's advance, 247; supplies at Philadelphia, 254; Trumbull, 395; shoes, &c., 414; Putnam, 724; officer prisoners, 1021; Pennsylvania, 1052; loyalists in office, 1053; Washington, 1065. *Reports:* 58*n*, 78*n*, 95, 165, 200*n*, 267*n*. *Votes*, 669, 675, 682, 684, 725, 726, 730, 734, 1056. *Mentioned*, 109*n*, 470*n*, 524*n*, 692, 708*n*, 869, 1041.
Clark, Elijah, 476.
Clark, ———, 744.
Clarke, Joseph, *Rhode Island loan office*, 330, 340, 836, 937, 1005.
Clarke, Thomas, colonel, 590.
Clarkson, G., Dr., 287.
Clarkson, Levinus, 394, 542.
Clay, Joseph, 616, 632, 646.
Clay, Slator, 220.
Clerk, hospital, 233.
Clingan, William, *a delegate from Pennsylvania*. Credentials, 746, 1027; attends, 854. *Votes*, 867, 868, 879, 881, 896, 904, 934, 935, 950, 951, 970, 980.
Clinton, George, brigadier general to command Highlands, 203; letters, 386, 825, 882; mentioned, 867, 936, 1010.
Clinton, Fort, loss of, 975.
Clothes and clothing, for army, 41, 120, 126, 152, 220, 426, 535, 611, 614, 690, 716, 809, 893, 905, 906, 929, 957, 969, 1011, 1044; deserters, 117; from Harts mills, 333; intercepted by States, 473; imported, 602, 905, 968; officers, 672; secrecy, 761; for sick, 941; extortion, 1072.
Clothier general, 609, 690; pay of assistants, 697; committee on, 966.
Clothing, commissary of, 41.
Clotz, Jacob, colonel, 633.
Clough, Alexander, major, 58.
Clowes, John, 507*n*.
Cloyd, Joseph, 1007, 1009.
Clymer, Daniel, 828.
Clymer, George, *a delegate from Pennsylvania*. Credentials, 169; leave of absence, 367; attends, 427; superceded, 746; excused from Treasury, 337; commissioner to west, 1018, 1026. *Committees:* Williamson, 186; Board of War, 204; enemy's advance, 247; *Sherburne*, 260; Schuyler, 280; army, 546. *War Board*, 473*n*, 474*n*, 477*n*, 518*n*, 560*n*, 567*n*, 585, 591*n*, 595, 643*n*, 657*n*, 670, 681*n*, 699*n*, 711*n*. *Votes*, 624, 636, 641, 665, 669, 682, 684, 725, 726. *Letter*, 11. *Mentioned*, 33, 216, 380*n*, 413, 451*n*, 587, 718.
Coale, Samuel Stringer, 79.
Coats, John, 534.
Cobbs, Samuel, lieut., 371.
Cochran, John, physician general, 161, 254.
Cockayne, Thomas, 643.
Cockran, John, 187.

Coffin, Alexander, 188.
Coffin, Charles, 271.
Coffin, ——, 33.
Coins, value of gold and silver, 59; power of Congress, 841, 919.
Colhoon, Andrew, 824.
Colonnes, Chevalier de, 189.
Colt, Peter, 627, 724, 766, 790, 793, 1022, 1033, 1041.
Colvin, Patrick, 319.
Combs, 473.
Commanders, navy, allowance, 581.
Commerce, committee of, 533, 632, 749, 761, 972, 1023.
Commerce, treaty of, 520.
Commissaries, committee on conduct of, 177, 279, 281, 384; proceedings, 177, 266, 292, 301, 354, 366, 384, 386, 394, 405, 406, 409, 410, 414, 427, 433; report, 434; bonds, 432; complaints against, 546, 608; elective officers, 599, 603; regulations, 766, 831, 962, 1085.
Commissaries of issues, 441, 608, 765; appointment, 477, 610, 858; wages, 524, 621; districts, 871; western department, 884, 890.
Commissaries of purchases, 434; regulations, 434, 620; account books, 435; settlements of accounts, 440; compensation, 448, 469; appointments, 448, 477, 620, 858; location, 452; commission, 491, 524; western frontiers, 805, 838, 884, 890, 948.
Commissary for western frontiers, 22; of hides, *see* Hides.
Commissary of military stores, 63, 84, 248; officers commission, 753, 890; commissary of musters, 1083.
Commissary of prisoners, 41, 289, 422, 777.
Commissioners to France, 10, 825, 947.
Commissioners to Vienna, &c., 8, 318; commission, 346, 368.
Commissions to foreign officers, 177.
Commissions, continental, 821.
Committees, standing, 1077.
Con, Hughes, 429, 453.
Confederation, articles of, considered, 240, 287, 300, 328, 351, 490, 492, 497, 501, 525, 648, 704, 760, 872, 879; Burke's amendment, 328; voting, 776, 778, 779, 780, 781, 782; taxation, 785, 788, 793, 797, 800, 801; art. iv, 826; art. v, 826; art. vi, 826, 827, 833; art. vii, 833; arts. viii, ix, x, xi, 834; art. xiv, 803, 805, 806, 834, 835, 837, 839, 840, 841, 844, 845, 846, 848, 915; art. xv, 879; additional articles, 885, 887, 893, 895, 899; bills of credit, 889, 900; committee on arrangement, 900, 902; printing, 907, 928, 1087; police, internal, 908; rights of citizens, 908; fugitives from justice, 909; delegates, 909; vote in Congress, 910; foreign relations, 911; imposts and duties, 911; army and navy, 912; war powers, 912; expenses, 913; boundaries, 916; powers of Congress, 919; committee of States, 919, 923; journals, 923; Canada, 924; approval of, 925; letter of transmittal, 932; date of signing, 934; translation into French, 981, 985.
Congress's own regiment, 270.
Confiscation of loyalist property, 971.
Congress, unfinished business, 51, 58; representation of States, 61, 98*n*, 498*n*, 559, 1013; privilege of members, 17, 459, 460, 887, 894, 910, 922; adjournment to Philadelphia, 103*n*, 127, 157, 164, 168; money appropriated generally, 190, 193; proceedings printed daily, 474*n*; power of, 509; dignity of, 537; entries in journal, 599, 689; standing rule on reports, 642; ayes and noes, 676; doors of lobby, 720; to meet at Lancaster, 742, 754; at York, 755; chaplains, 756; time of meeting, 756, 940, 1031; supplies for, 760; under confederation, 803, 805, 806, 834, 835, 837, 915; president's allowance, 806; papers to be addressed to, 820; thanks to president, 853; distribution of letters, 906; time of meeting, 909; contingent expenses, 940.
Congress, president of, insulted, 17.

Congress, privateer, 188.
Connecticut, credentials of delegates, 11; money for, 46, 70, 143, 226, 321, 508, 858, 1041; frigates built, 58; light house, 98; Wooster memorial, 472; arms for, 518; militia, 600; commissaries, 858; salted provisions, 1033.
Conner, John, 868.
Connolly, John, 227, 229, 800, 1004.
Conspiracy against United States, 745.
Convention, troops of, embarkation, 982.
Conway, Thomas, brigadier general, 347, 349, 420, 468, 570, 755, 762, 838, 958, 1023, 1048, 1057, 1071; inspector general, 1026.
Cooke, William, colonel, 897.
Cooke, Nicholas, governor, 59, 134, 409, 988, 1074.
Cooke, Noah, 754.
Coor, James, 317.
Copper, to be coined, 138; from Pennsylvania, 707.
Corn, Indian, 92; stalks, sugar, and spirits, 929.
Cornwallis, Charles, Earl, 468.
Council of State, 848. *See* States, committee of.
Council of War, Washington not bound, 196.
Court of Appeals, 607.
Courts martial, sentences, 265; in Georgia, 783; authorized, 784.
Cowan, Edward, lieut., 80, 668.
Cowperthwaite, Joseph, 302.
Cox, Daniel Powell, lieut., 337.
Cox, James, captain, 156.
Cox, John, 673.
Coyete, ———, lieut., 606, 705.
Craig, Charles, capt., 348, 353, 677.
Craig, John, 13.
Craig, Robert, lieut., 244.
Craig, Thomas, 897.
Cravath, Lemuel, 28.
Crawford, James, major, 897.
Crawford, William, colonel, 128, 229, 230, 344, 944.
Creek Indians, 224.
Creery, Hans, 108.
Crenis, Chevalier de, 837, 930, 948.
Cresap, Thomas, 70, 114.
Criminals, extradition of, 887, 895, 899, 909.
Criswell, Robert, 362.
Crocket, Benjamin, 113.
Crocket, Vanbibber and, 298.
Crohon, Margaret, 673.
Croix, Monsieur, 67.
Crook, Charles, 362.
Cruise, Walter, 32.
Culbertson, Samuel, 547.
Cumberland, Fort, N. S., 20.
Cumberland county, Pa., supplies, 213.
Cummings, David, 225.
Cummings, Robert, 95, 280, 352.
Cummings, Thomas, 92, 110.
Cunningham, James, colonel, 393.
Curle, Wilson, 71.
Curren, Isaac, 891.
Currency, Continental. *See* Bills of credit.
Currie, William, Dr., 255, 275.
Curtis, Frederick, 416.
Cushing, Thomas, 59, 211, 1055.
Cuthbert, James, 238.
Cuthbert, Seth John, major, 567, 676.
Cutter, Ammi Ruhamah, 254.
Cuyler, Jacob, deputy commissary general of purchases, 477, 894, 1041.
Dagworthy, John, brigadier general, 595, 604.
Dallam, Richard, 190, 249, 258, 320, 429.
Damages, compensation, 366, 390.
Dana, Francis, *a delegate from the Massachusetts Bay*. Credentials, 25; attends, 931. *Committees:* Marine, 935; appeals, 936; Board of War, 936, 994; Burgoyne, 939; Fort Mercer and Rhode Island, 976; royal money, 985; loan, 988; treasury, 994; Washington-Varnum, 1001; Jones, 1005; army, 1011; pardons, 1012; Otis, 1022; Rhode Island, 1027; Gates, 1034; Ticonderoga, 1053; camp, 1074. *War Board*, 960*n*, 967*n*. Nominated to France, 947*n*. *Votes*, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 1021*n*, 1052*n*.

Danbury, march upon, 314, 319.
Dandridge, Alexander Spottswood, lieut., 31.
Dandridge, Spottswood, captain, 98.
Darrell, John, 79.
Davenport, Franklin, 503.
Davidson, John, captain, 376.
Davies or Davis, ———, 534, 565.
Davis, Nicholas, 534.
Davitt, Charles M., 776.
Dayton, Elias, colonel, 878.
Dean, Richard, colonel, 407.
Deane, Barnabas, 330, 757, 758.
Deane, Benjamin, 302.
Deane, James, 73, 350.
Deane, Joseph, 296*n*.
Deane, Silas, letters, 148, 186, 412, 508, 595, 601, 607; committee on letters, 596; recall, 605*n*, 946; authority to engage officers 721; mentioned, 256, 336, 347, 525, 539, 548*n*, 553, 558, 559, 588, 760, 875, 902, 975, 1008.
Deane, ———, captain, 625.
Dearborn, Henry, capt., 81.
Dearing, Anthony, 100.
Debts, soldiers, 262; under confederation, 889, 900; action for, 895.
De Goy, ———, 877.
De Haas, John Philip, brigadier general, 141, 468.
Delaware, representation short, 61, 183; money, 180, 275; to guard Lewestown, 203; credentials, 219; militia, 273, 299, 305, 343, 369, 390, 432, 470, 493, 583, 592, 667; loyalists, 529, 644, 678, 991; Indians, 943; live stock, 1028.
Delaware river, camp on west side, 251; defence of, 464, 538, 629, 630, 739; fire ships, 584, 616; live stock, 588; British fleet, 726. *See* Billingsport.
Delaware, frigate, 1032.
Demere, Raymond, 1053.
Dennis, William, 603.
Dennison, Nathan, colonel, 255.
Department, Northern, report on, 84, 375; committee, 599; reports, 600, 614; militia for, 614; committee, 648, 649, 659.
Departments, executive, 26, 193, 259, 424.
Derby, Richard, jr., 428.
Derby, Conn., 315.
Derby, Pa., 712.
Derford, Chevalier. *See* Du Portail.
Des Epiniers, ———, 663, 877, 902, 903.
Deserters, 154, 594, 813, 837, 965; pay due, 283; from British, 340, 348, 353, 417.
Desertions, committee, 108, 115; circular, 1082.
Deshon, John, 331.
Destruction of property by British, 277.
Detroit, 942.
Devermond, ———, 189.
Dewees, William, 1007, 1009.
De Witt, Thomas, 392.
Dickinson, John, *a delegate from Delaware*, retired, 220.
Dickinson, Philemon, major general, 736, 740, 744, 747, 750, 893.
Dill, Robert, 10.
Discipline of army, 193, 259, 274.
Distilleries, 656.
Donaldson, Joseph, 487.
Donnel, Nathaniel, 87, 325.
Dorland, George, 503.
Dorset, Chevalier, 804, 845, 885, 902, 930, 931, 932.
Dorsey, Caleb, 53.
Dorsey, Daniel, captain, 407.
Dorsey, John, 28, 361.
Dorsey, Larkin, 18.
Dorsey, Richard, 18.
Dorsey, Robert, 19.
Dorsey, Thomas, captain, 572, 614, 677.
Dorsius, John, 394, 542, 548, 759, 761.
Doughty, John, 17.
Douglass, William, 704.
Dowdell, Gamal [Gamaliel], 188.
Downe, Samuel, 14, 15, 632.
Downingtown, Pa., 667.
Doyle, John, captain, 321.
Draughts, from militia for army, 263; for stock, 282.
Driesbach, Jost, captain, 729.
Drinker, Henry, 694, 695, 714, 718.
Drummers, 670.
Drummond, Walter, 270, 308.

Dry, William, 737, 791, 1038.
Duane, James, *a delegate from New York.* Credentials, 396; leave of absence, 994; to confer with the Indians, 999. *Committees:* Commissaries, 281; appeals, 337; Indians, 384; Hall, 507; Indians, 508; North, 599; Du Coudray, 630; Putnam, 724; New England committee, 731; Indians, 776; McIntosh, 788; President's allowances, 806; Saratoga convention, 871; additional articles of confederation, 885; French officers, 886; articles of confederation, 900; royal money, 985; loan, 988; Washington-Varnum, 1001. *Votes*, 624, 636, 641, 669, 725, 734, 762, 765, 779, 780, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 934, 935, 970, 980. *Mentioned*, 345*n*, 376*n*, 392*n*, 410*n*, 453*n*, 457*n*, 476*n*, 478*n*, 557*n*, 587*n*, 614*n*, 646*n*, 672*n*, 693*n*, 728*n*, 765*n*, 775*n*, 786*n*, 790, 803*n*, 806*n*, 840*n*, 847*n*, 852*n*, 878*n*, 887*n*, 888*n*, 889*n*, 890*n*, 906, 907*n*, 918*n*, 925*n*, 958*n*.
Dubois, Lewis, Colonel, 360, 710.
Du Bois, Martin, 743.
Duché, Jacob, 822.
Du Coudray, Philippe Charles John Baptist Tronson, 410, 452, 469, 497, 507, 525, 528, 537, 544, 545, 546, 548, 549*n*, 552, 553, 554, 557, 558, 559, 563, 569, 571, 583, 595, 602, 606, 615, 675, 705, 719, 738, 739, 740, 796, 799, 875, 885, 902, 932; drowned, 751, 845.
Dudley, John, 365.
Dudley, *see* Thomas Nichols.
Duer, William, *a delegate from New York.* Credentials, 230, 396. *Committees:* Supplies at Philadelphia, 254; *Sherburne*, 260; defense of Philadelphia, 264, 264*n*; a motion, 272; army discipline, 274; toryism, 275, 286*n*, 291; Schuyler, 280; reinforcements, 294, 296*n*, 300; Danbury, 314; address, 314; Pennsylvania, 314; expenses, 1777, 362; teams, 395; Billingsport, 414; intelligence, 428; A. Morris, 468; war, 525; Franklin, 607; frontiers, 648; Sullivan, 689; army, 701, 1011; Trumbull, 720; recruiting, 805; Gates, 863; Burgoyne, 939; Buchanan, 948; clothier general, 966; Fort Mercer and Rhode Island, 976; Canada, 981; royal money, 985; Washington-Varnum, 1001; Jones, 1005, 1008; pardons, 1012; Otis, 1022; Gates, 1034; Pennsylvania, 1052; Washington, 1054; camp, 1074. *War Board*, 541*n*, 550*n*, 557*n*, 560*n*, 567*n*, 571*n*, 581*n*, 592*n*, 594*n*, 614*n*, 643*n*, 657*n*, 698*n*, 699*n*, 711*n*, 772*n*, 792*n*, 799*n*, 824*n*, 871*n*, 883*n*, 960*n*, 966*n*, 967*n*, 1002*n*, 1006, 1008*n*, 1026*n*, 1037*n*, 1047, 1048*n*, 1073*n*. *Reports*, 308*n*, 352*n*, 459*n*, 513*n*, 549*n*, 831. *Votes*, 624, 636, 641, 669, 675, 762, 765, 771, 779, 780, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 410, 687, 695*n*, 751*n*, 770*n*, 901*n*, 906, 926*n*, 927*n*, 960*n*, 969*n*, 987*n*, 1015*n*, 1020*n*, 1021*n*.
Duff, Henry, lieut., 337.
Duffield, George, Rev., 756, 822, 882.
Duffield, Samuel, *a delegate from Pennsylvania.* Credentials, 746.
Dugan, Cumberland, 829, 833.
Dugan, Jeremiah, colonel, 105, 107, 713, 728, 826.
Duggan, Mrs., 1011.
Dull, Christian, 308.
Dumfries, Va., 37, 39.
Duncan, James, lieut., 244.
Duncan, Matthew, captain, 227.
Duncan, Seth, 430.
Dunham, Azariah, 504.
Dunlap, John, 376.
Du Plessis, Mauduit, chevalier, 269, 272, 885, 967.
Duportail, Lewis Le Bègue, chevalier Derford, 532, 539, 558, 559, 571, 574, 637, 639, 760, 798, 900, 932, 937; inspector general of ordnance, 630.
Duties on imports, state, 826, 833.
Duvall, Gabriel, 131.
Dwight, Timothy, 777.
Dyer, Eliphalet, *a delegate from Connecticut.* Credentials, 11; attended, 496.

Committees: Trumbull, 517; Ticonderoga, 596; treasury, 631; New England committee, 731; army provision, 962; clothier general, 966; Lancaster, 978; army, 1011; pardons, 1012; officer prisoners, 1021; Rhode Island, 1027; Pennsylvania, 1052; camp, 1074. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 726, 730, 734, 750, 762, 765, 771, 779, 780, 781, 782, 787, 801, 803, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 880, 896, 904, 934, 935, 970, 980, 1010, 1056.

Eagle, schooner, 86.

Easton, Pa. Indian meeting, 62, 166, 461; prisoners, 302.

Edgar, Thomas, 158.

Edmeston, William, 570.

Edwards, David, 540.

Edwards, Simon, 346.

Effingham, frigate, 1066.

Eichelberger, Adam, captain, 416, 567, 775.

Elaboratory at Springfield, 139, 266, 618.

Elder, Andrew, 320.

Elder, Joshua, 534.

Ellery, William, *a delegate from Rhode Island*. Credentials, 408; attends, 931. *Committees:* Appeals, 13, 75, 936; unfinished business, 51; bills of credit, 107; hospitals, 206; applications, 240; Schuyler, 280; marine, 935; Jones, 1008; army, 1011; officers prisoners, 1021; commerce, 1023; Rhode Island, 1027; Ticonderoga, 1053; loyalists in office, 1053. *Reports*, 59*n*, 202*n*, 1020*n*. *Votes*, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 259, 352, 719*n*, 1050*n*.

Ellis, John, lieut., 308.

Ellis, Richard, 532.

Ellsworth, Oliver, 1020.

Elmer, Jonathan, *a delegate from New Jersey*. Credentials, 1017; leave of absence, 122. *Committees:* Medical, 13; treasury, 94; saltpeter, 107; Schuyler, 280. *Votes*, 624, 636, 665, 675, 682, 750, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 934, 935. *Mentioned*, 94*n*, 254, 637, 869, 937.

Elmore, Samuel, colonel, 181, 308.

Emerson, George, 711.

Enemies, internal, 58, 128, 140.

Enemy, conduct of. *See* Barbarities. Intercourse with, 783, 784; emissaries of, 1045.

Engineer, for Maryland, 692; engrossing of supplies, 1043; enquiries on losses of ports, 976.

Erkelen, Gosuinus, 276.

Erskine, Robert, 580.

Erskine, William, lieut., 244.

Erving, Thomas, 118.

Erwin, Robert, 174, 246, 325, 385, 463.

Erwing, John, 890.

Etting, Elijah, 886.

Eustace, John, major, 875.

Evans, David, 640.

Evans, Evan, colonel, 308.

Evans, Israel, 1055.

Evans, John, *a delegate from Delaware*, retired, 220.

Eveleigh, Nicholas, 575.

Everson, George, 729, 892.

Ewell, Jesse, colonel, 898.

Ewing, Alexander, 139.

Ewing, George, 607, 656, 739, 789, 796.

Ewing, John, 536.

Ewing, Samuel, 341.

Expenses for year, committee, 362; report, 453, 480.

Exports of produce, 457, 542.

Extortion, 1071.

Extradition of criminals, 887, 895, 899, 909.

Eyre, Benjamin, 385.

Fabricy, Michael, 384.

Failly, Chevalier de, 607, 618, 638, 663, 672, 679, 1008, 1018, 1049.

Fairlamb, Samuel, 387.

Faneuil, Mons., 170, 177, 184, 189, 196.

Fanning, John, 573, 574.

Fantz, Jacob, captain, 411, 560.

Farrer, Christian, 479.

Farry [Furrer, Michael?], captain, 371.

Fauquier county, Va., militia, 82.

Fay, Jonas, 497, 507, 508, 509, 511.

Fayolle, Chevalier de, 743, 744.

Febiger, Christian, lieut. col., 250.
Feebucker [Febiger, Christian?], colonel, 680.
Fells Point, shipwright, 89.
Feltman, William, lieut., 80, 847.
Fermoy, Mathieu Alexis Roche de, 65, 211, 596, 602, 681, 700, 958, 974, 1048, 1069, 1074.
Fernee, John, 22.
Ferriage, regulated, 146.
Ferries, Hudson's river, 273.
Fields, William, 432, 484.
Fifers, 670.
Finnie, William, 229, 501, 515, 570, 586, 1026.
Fire ships, 554, 584, 701; rewards, 616, 662, 701; Rhode Island, 661.
Fisher, Henry, 184, 224, 260, 304, 369, 425, 507*n*, 591.
Fisher, James, 694.
Fisher, Joshua, 694.
Fisher, Samuel, 694.
Fisher, Samuel R., 714, 719.
Fisher, Thomas, 694, 714, 718.
Fitzsimons, Thomas, 257, 832.
Flag, continental, 464.
Fleet, British, 578, 588, 591; at Rhode Island, 661; Chesapeake bay, 665, 668, 701; Delaware river, 726.
Fleming, Charles, captain, 405.
Fleming, John, 139.
Fleury, Louis, 380, 606, 739, 885, 904, 967.
Flints, 884.
Flour, purchase of, 208, 316, 563, 898; for eastern states, 373; biscuit, 574; for army, middle district, 960.
Flower, Benjamin, colonel, 196, 225, 256, 753, 890; money, 228, 452, 532, 556, 590, 693, 984.
Flowers, David, 415, 463.
Floyd, William, thanked, 397.
Folger, George, 188.
Folger, Timothy, 105, 372, 383.
Folsom, Nathaniel, *a delegate from New Hampshire.* Credentials, 365; attends, 568; on confederation, 947*n*; leave of absence, 981. *Committees:* Ticonderoga, 596; treasury, 631; officers' rations, 710; marine, 802, 1040; loan, 988. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 726, 730, 734, 750, 762, 765, 771, 779, 780, 781, 782, 787, 801, 803, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 880, 896, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 963, 1048.
Fonfrede, ———, lieut., 606, 705, 877.
Forage, commissary of, 355.
Ford, Paul Leicester, 1084, 1085, 1089.
Foreign Affairs, committee of, 274, 417; secretary, 274; members, 276, 385.
Foreigners, discouraged, 174.
Forgue, Francis, Dr., 254.
Forman, David, brigadier general, 394, 570, 578, 733.
Forman, ———, colonel, 726.
Forrest, Uriah, major, 334.
Forster, Isaac, 254.
Forster, Nathaniel, 367.
Fort Pitt Indian treaty, 478, 493; magazine, 494.
Fortune, sloop, 231.
Foster, Robert, 297, 348.
Fountaine, Charles Adrian, 268.
Fouquet, ———, 765, 877, 882.
Fouquet, ———, Jr., 765, 877, 882.
Fowkes, Yelverton, 472, 486.
Fragneau, John, 1017.
France, supplies from, 92, 211, 336; volunteers, 131; loan, 454, 989; commissioners to, 10, 825, 947; tobacco for, 983.
Franklin, Benjamin, *a delegate from Pennsylvania.* Credentials, 169, 1027. Commissioner to Spain, 8. Commission, 9, 10, 521*n*; on barbarities of enemy, 1085. *Letters*, 184, 412, 601, 607, 648, 687. *Mentioned*, 525, 539, 559, 760.
Franklin, James, 107.
Franklin, William, 291, 583, 828*n*.
Franval, Chevalier de, 697, 743.
Frazer, Alexander, 210.
Frazer, Persifer, lieut. col., 897.
Frazer, Simon, brigadier, 741, 1060.
Frederick county, Md., 65.

Frederick town, Md., prisoners at, 152; powder, 219; rendezvous, 667.
Freedom of speech in Congress, 887, 893, 910, 922.
Freeman, Samuel, 26.
French, Robert, 573, 574.
French, Samuel, 892.
Frict, Henry, 362.
Frigates, continental, construction, 58; manning of, 125; scuttling, 863.
Frolock [Froelich], Christian, lieut., 324.
Frontiers, western, defence, 114, 252; committee, 648, 649, 659; supplies, 805, 838, 884, 890.
Frost, George, *a delegate from New Hampshire.* Credentials, 365; leave of absence, 753. *Committees:* Salt, 413; marine, 496, 1040. *Votes*, 636, 641, 669, 675, 682, 684, 725, 726, 730, 734, 1056.
Fry, Baron de, 1006.
Fry, ———, 59.
Frye, Peter Pickman, 410, 428, 483.
Fulford, ———, capt., 58, 90.
Fullerton, Humphrey, 835.
Furloughs, 118.
Furnace, Mary Ann, 828.
Furrer, Michael, captain, 371.
Gadsden, Christopher, brigadier general, 757.
Gaither, Joseph, 86.
Galbraith, William, captain, 107, 159, 168.
Galbreath, Robert, 537.
Galloway, Peter, 22, 159.
Galphin, George, 223, 224.
Gamble, Thomas, capt., 344.
Gamble, William, 573, 574.
Ganot, ——— de, 606, 681, 877, 903.
Gansevoort, Peter, colonel, 699, 709, 710, 771, 1050.
Gaol, Carlisle, 840.
Garde, Coppin de la, 385.
Garland, Edward, captain, 449.
Garnett, William, 186.
Garret, Nicholas, lieut., 647, 664.
Garvin, Elizabeth, 17.
Gassaway, John, 100.
Gater, Edward, 28.
Gates, Horatio, major general, on Campbell trial, 45; to remain adjutant general, 136; committee of conference, 175, 191, 218; ordered to Ticonderoga, 202; relations with Schuyler, 364; ordered to headquarters, 540; to command northern army, 604; message on Burgoyne's surrender, 856; and militia, 616; operations, 859, 863, 864; thanked, 861; proposed com^{ee} on Saratoga conven., 950; for war board, 959, 971. *Letters*, 170, 171, 187, 196, 304, 306, 329, 344, 375, 417, 670, 699, 700, 715, 741, 755, 756, 757, 798, 820, 851, 882, 936, 939, 980, 1004, 1008, 1034, 1050. *Mentioned*, 10, 29, 32, 62, 172, 185, 210, 211, 217, 227, 273, 281, 282, 351, 391, 410, 475, 503, 615, 621, 766, 770, 774, 776, 840, 873, 884, 897, 982, 986, 1035, 1051, 1054.
Gay, de, captain, 705.
Gehr, —— colonel, 486.
General Washington's Life Guard, 270.
Geographer, 580.
Georgetown, Md., 667.
Georgia, recommendation to, 8; magazines of provisions, 19, 26; money, 28, 39, 156, 275, 385, 567, 568, 645, 699, 702, 749, 786, 973, 1027; state of, 67, 87, 96, 579, 590, 596; artillery companies, 97; votes with Connecticut, 123, 151; commissioners, 394, 821; committee, 660; accounts, 598, 761, 820; clothing, 697; light horse, 791; 4th battalion, 792; Indian war, 823.
Germain, George, Lord, 8.
German battalion, 185, 664; chaplain, 284.
Germantown, Pa., printing presses, 754; battle of, 785.
Gerrish, Cabot, captain, 748.
Gerry, Elbridge, *a delegate from the Massachusetts Bay.* Credentials, 25. *Committees:* provisions, 45; unfinished business, 51; Pennsylvania, 55; internal enemies, 128; army contract, 134; hospsital, 219; applications, 240; army discipline, 274; commissaries, 281; Danbury, 314; commissary bonds, 433;

commissary, 534; army, 546; arms, 602; officers' rations, 710; Trumbull, 720; Putnam, 724; New England committee, 731; provisions, 794; recruiting, 805; Gates, 859; postoffice, 898; cornstalks, 929; Buchanan, 948; army provisions, 962; campaign, 972; clothier general, 966; Otis, 1033; army, 1053; Washington, 1065. *Reports*, 50*n*, 103*n*, 175*n*, 181*n*, 195*n*, 249*n*, 299*n*, 332*n*, 458*n*, 610*n*, 613*n*, 620*n*, 816, 827*n*, 831*n*, 839*n*, 859*n*, 909*n*, 953*n*, 963*n*, 978. *Votes*, 624, 636, 641, 669, 675, 682, 684, 725, 726, 730, 734, 750, 762, 765, 779, 780, 781, 782, 787, 801, 803, 807, 808, 810, 843, 849, 850, 853, 854, 867, 868, 879, 880, 896, 904, 934, 935, 970, 980, 1056. *Mentioned*, 94*n*, 310*n*, 311*n*, 436*n*, 441*n*, 447*n*, 637, 715, 795*n*.

Gezeau, ——, 18.

Gibson, George, colonel, 114, 593, 736, 755.

Gibson, James, 891.

Gibson, John, auditor general, 115, 143, 181, 190, 225, 238, 240, 299*n*, 333, 386, 424, 425, 448, 449, 493, 505, 532, 568, 583, 701, 826, 839, 968, 972, 973, 981, 983, 992, 1003, 1038, 1058.

Gibson, John, lieut., 244.

Gibson, William, 19, 107.

Giddens, John, 588.

Giddens, Mary, 588.

Gilbert, George, 407.

Gilbert, Michael, lieut., 244.

Gilchrist, Anthony, 395.

Gillingham, James, 338.

Gillon, Alexander, 944, 978, 1023.

Gilman, Andrew, 23.

Gilman, Nicholas, *New Hampshire loan office*, 330.

Girardeau, John Bohun, 616.

Gist, Mordecai, colonel, 517, 667, 736, 755.

Gist, Nathaniel, 50, 81, 89, 126, 860.

Glasgow, James, 411.

Glasgow, 588.

Glentworth, George, 321.

Glover, John, brigadier general, 141.

Glover, John, 367.

Glover, Jonathan, 629.

Goddard, William, 28, 385.

Godet, Henricus, 89.

Godfrey, William E., 891.

Gold coins, value, 59.

Good, Adam, 729.

Gore, Simeon, 480.

Gornell, Richard, 567.

Gostelow, Jonathan, 891.

Gotwalt, Jacob, 872.

Gouvion, Obry, major, 525, 539, 574, 637, 639, 932.

Govett, William, 393, 425, 974, 975, 1081.

Graeff, George, 393.

Graham, William, 297.

Grain, distilling, 165.

Granaries, 168*n*.

Grannis, John, 202*n*.

Grant, Daniel, 115.

Graverod, & Visgar, 167.

Gray, Neigal, lieut. col., 897.

Gray, Samuel, 617.

Gray, William, captain, 680.

Graydon, Mrs., 367.

Grayson, William, colonel, 51, 185, 471, 832.

Great Britain, treaty with commissioners, 951.

Green, Timothy, captain, 652.

Green, James, jr., 86.

Green, John, colonel, 617, 647, 862, 1031, 1047.

Greene, Jacob, 171*n*, 427, 467.

Greene, Nathanael, major general, conference, 189, 191, 196, 218, 221. *Letters*, 386, 531, 535, 537, 575. *Mentioned*, 187.

Greene, William, 527.

Greenholm, Lawrence, 653.

Greenway, Joseph, 573, 574.

Gridley, Richard, colonel, 119.

Grier, David, lieut. col., 375, 897.

Grier, James, captain, 503.

Griffin, Seth, 543.

Griffin, ——, colonel, 503.

Griffith, Dennis, 102.

Griffith, Charles Greenberry, colonel, 204*n*.

Griffith, Samuel, captain, 325.
Griffiths, John, 51, 70, 115, 165, 338.
Groh, John, 479.
Gross, Jacob, 208.
Guion, Isaac, 589, 632.
Gurney, Francis, lieut. col., 897.
Gwinnett, Ann, 757.
Gwinnett, Britton, 96.
Gun, repeating, 324.
Gunby, John, colonel, 381, 517.
Hains, Thomas, 968.
Haite, Nicholas, 622.
Hale, Nathan, colonel, 535, 757, 758.
Hall, David, colonel, 325, 452, 507, 528.
Hall, John, *a delegate from Maryland. Committees:* unfinished business, 51; brig *Joseph*, 86; Caldwell, 93.
Hall, Josias Carvill, colonel, 331, 337, 407, 462, 474, 517, 534, 861.
Hall, Lyman, *a delegate from Georgia.* Credentials, 931.
Hall, William, 503.
Hall and Horner, 874.
Haller, Henry, colonel, 291, 302, 320, 325, 476, 502, 652.
Hallet, James, 757.
Hamel, Samuel, 680.
Hamilton, Alexander, colonel, 754.
Hamilton, Henry, 942.
Hammond, Thomas, 19.
Hammond, William, 111.
Hancock, Ebenezer, 28, 65, 373, 388, 561, 893, 898, 938, 1050.
Hancock, John, *a delegate from the Massachusetts Bay.* Credentials, 25; drafts, 12½; on adjournment, 157*n*; accounts, 839; leaves Congress, 846; speech, 852; thanks, 853. *Mentioned*, 83*n*, 110*n*, 169, 176*n*, 190*n*, 192*n*, 299*n*, 313*n*, 392*n*, 431*n*, 451*n*, 565*n*, 591*n*, 694*n*, 715, 769*n*, 770*n*, 771*n*, 772, 794*n*, 873*n*, 893, 1040.
Hancock, Simon, captain, 839.
Hancock & Adams, 59.
Hand, Edward, colonel, 164; brigadier general, 213, 220, 252, 256, 270, 272, 308, 623, 648, 649, 689, 723, 831, 872, 886, 936, 943, 944, 958, 999.
Hand, Elihu, 540.
Hand, ———, captain, 393.
Handy, George, 429.
Hannah, schooner, 295.
Hanover, brigantine, 182, 317.
Hanson, Thomas, capt., 338.
Harbeson, Benjamin, 240.
Harbors to be fortified, 59.
Hardy, John, lieutenant, 647.
Hardy, William, 730.
Harford town, Md., 667.
Harmar, Josiah, major, 897.
Harnett, Cornelius, *a delegate from North Carolina.* Credentials, 411; attends, 570. *Committees:* treasury, 631; South Carolina and Georgia, 660; Gwinnett, 758; Indians, 928; commerce, 1023; Washington, 1065. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 726, 730, 735, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 86, 869, 978, 1021*n*.
Harris, John, 19.
Harrison, Benjamin, *a delegate from Virginia.* Credentials, 628; attends, 628. *Committees:* bills of credit, 107; Georgia, 579. *War Board*, 473*n*, 474*n*, 518*n*, 541*n*, 550*n*, 566*n*, 567*n*, 594*n*. *Votes*, 636, 641, 665, 669, 682, 684, 725, 726, 730, 735, 750, 762, 765, 780 *bis*, 781, 782, 787. *Mentioned*, 40, 149, 481, 497, 507, 508, 526, 544, 545, 548, 552, 570, 586, 623, 648, 652, 654, 681, 696, 697, 702, 706, 709, 712.
Harrison, Benjamin, jr., 75, 205, 514, 532, 533*n*, 657, 671, 826, 938, 1026, 1058.
Harrison, Charles, colonel, 396, 514, 561, 655.
Harrison, Charles, 427, 472, 473.
Harrison, Robert, 540.
Harrison, Robert Hanson, 719, 731, 735. *War Board*, 874; declines, 945, 971.
Harrison, William, 394.
Hart, John, 333.
Hart, John, Rev., 625.

Hart, ———, colonel, 632.
Hartley, Thomas, colonel, 94, 204, 210, 324, 350, 361, 567.
Harvie, John, *a delegate from Virginia.* Credentials, 628; attends, 804. *Committees:* war, 813; Indians, 928; appeals, 936; army provision, 962; clothier general, 966; Washington-Varnum, 1001; Jones, 1005, 1008; Rhode Island, 1027; Marine, 1034; Pennsylvania, 1052; Washington, 1054. *War Board*, 824, 871*n*, 883*n*, 960*n*, 966*n*, 1002*n*, 1006*n*, 1008*n*, 1026*n*, 1037*n*, 1047, 1048*n*, 1073*n*. *Votes*, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 978*n*, 1021*n*.
Hastings, Jonathan, 184.
Hats, committee, 414, 487.
Hausegger, Nicholas, colonel, 107, 185, 302, 503.
Hawk, George, 426.
Hay, Samuel, captain, 326, 362, 897.
Hay, Udney, lieut. col., 23.
Haymaker, Jacob, 152.
Haynes, Eaton, 586.
Hays, James, 761.
Haywood, William, 176, 181, 195, 213, 811.
Hazard, David, lieut., 304.
Hazard, Ebenezer, 346, 347, 811.
Hazard, John, 304.
Hazard, ———, captain, 430.
Hazelwood, John, commodore, 813, 841, 862.
Hazen, Moses, colonel, 41, 60, 61, 113, 208, 228, 243, 531, 589, 595, 596, 663, 671, 678.
Health of army, 193.
Heath, William, major general, 149, 484, 881, 950, 977, 982. *Letters*, 330, 410, 871, 893, 1021, 1027, 1034, 1037, 1047, 1054, 1058.
Hedrick, Philip, captain, 371.
Helms, R. J., 724.
Henderson, Alexander, 892.
Henderson, William, 449.
Hendrey, Thomas, Dr., 338.
Hendricks, James, colonel, 1058.
Hendricks, William, captain, 294.
Hendrickson, Jacob, 343, 498.
Henegan, Thomas, 184.
Henry, James, captain, 564.
Henry, Patrick, governor, 547, 643, 671 937, 1070. *Letters*, 123, 170, 239, 468, 501, 514, 515, 551, 570, 593, 595, 643, 650, 655, 719.
Henry, Robert, 1056.
Henry, William, 803, 937, 963.
Herbach, Yost, captain, 487.
Herkimer, Nicholas, brigadier general, 709, 770.
Heron, James, captain, 244.
Hessian officers. Exchange, 10, 12, 16, 621; sent to Virginia, 37, 39, 102, 108; confined, 135, 412; paymaster, 73; prisoners, 175, 248; paroled, 653.
Hetrick, see *Hedrick.*
Hewes, Joseph, *a delegate from North Carolina.* Credentials, 85.
Hewes, Josiah, 480.
Heydshaw, Catharine, 159.
Heyward, Thomas, jr., *a delegate from South Carolina.* Credentials, 129; leave of absence, 824. *Committees:* Articles of war, 13; executive boards, 26; barbarities, 43; intelligence, 44; Warren memorial, 80; Washington's proclamation, 95; post office, 127, 154; applications, 185; Williamson, 186; *Sherburne*, 260; Schuyler, 280; Charlestown, 354; Wooster, 369; foreign affairs, 385; commerce, 534, 632; Du Coudray, 554, 569, 630; Washington medal, 785. *Votes*, 636, 641, 665, 669, 683, 684, 725, 726, 730, 735, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854. *Mentioned*, 159*n*, 276, 461*n*, 796.
Hides, 447, 487, 489, 607, 656, 794.
Hier, Jacob, 48.
Higgins, Robert, captain, 494.
Highlands, defense of, 149, 202.
Hill, Thomas, 673.

Hill, Whitmill, 586.
Hillegas, Michael, 143, 176, 238, 240, 287, 328, 354, 425, 538, 540, 578, 627, 647, 680, 687, 718, 874, 973, 984, 993, 1003.
Hillegas, Samuel, 143, 354.
Hillery, Regnal, ensign, 478.
Hiltzheimer, Jacob, 360, 993.
Hindman, John, Dr., 81.
Hinkle, Jacob, 664.
Hite, Jacob, 892.
Hite, Thomas, 892.
Hockhocking, 21.
Hockley, Thomas, colonel, 407.
Hodge, Andrew, 496.
Hodge, Hugh, 623.
Hoffman, Valentine, 891.
Holliday, Clement, 382, 540.
Hollingsworth, Henry, colonel, 29, 95, 110, 670, 675.
Hollingsworth, Levi, 302, 674.
Holmes, Abraham, 652.
Holmes, David, 824.
Holmes, James, captain, 506.
Holmes, Joseph, 811.
Holmes, Margaret, 410.
Holt, James, 72.
Holtzendorf, Lewis Casimir de, baron, 559, 588, 674, 679.
Hooper, Robert Lettis, 541, 543.
Hooper, Stephen, 291.
Hooper, William, *a delegate from North Carolina*. Credentials, 85; excused, 87.
Hoops, Robert, 517, 617.
Hopkins, David, captain, 703.
Hopkins, Esek, commodore, 202, 204, 210, 352, 588.
Hopkins, Gerard, 14, 34, 100, 126, 225, 940.
Hopkins, James, 655.
Hopkins, Richard, 14, 34, 126.
Hopkins, Stephen, 650, 731, 841, 899, 953, 968, 971.
Horn, James, 105*n*, 126.
Hornby, William, 785.
Horner, Hall and, 874.
Horse, commander of, 711, 745.
Horses, continental, 46, 47, 363; purchase of, 565; allowance, 587, 656, 1047.
Horses, impressing, committee, 30, 56, 75, 144.
Hospital, returns of furnishings, 25, 237; report on, 161, 197, 206, 219, 225, 227; adopted, 231, 244; supplies by commissaries, 162, 613, 699; director general, 232; commissary, 233; election of officers, 247, 253; places, 289; inspection, 300; bedding, &c., 533; difficulties, 609; establishment, 754; South Carolina, 823; stoves, 941; broadside, 1083.
Hostler, hospital, 233.
Hotham, William, commodore, 257.
House, John, 231.
Houston, Thomas, lieut., 338.
Houston, William, captain, 370.
Houston, William Churchill, 202, 775, 874, 974.
Howard, John Eager, colonel, 534, 668.
Howe, Richard, Lord, 54, 95, 173, 291, 450, 563.
Howe, Robert, major general, 130, 476, 575, 597, 616; allowance, 269; major general, 823. *Letters*, 196, 471, 570, 757, 759, 823, 1048, 1064.
Howe, Sir William, provisions for prisoners, 12, 1036; exchange of prisoners, 571, 582; proclamation, 773; retreat, 825. *Letters*, 308, 468, 970, 982, 1006, 1009. *Mentioned*, 13, 16, 18, 41, 54, 95, 124, 135, 150, 291, 374, 395, 417, 421, 449, 623, 687, 692*n*, 703, 938, 939, 991, 1045.
Howell, David, 171*n*.
Howsom, Richard, 173.
Hubley, Adam, lieut. col., 25, 370, 897.
Hubley, Lowman and, 228.
Hudson, Jonathan, 44, 48, 58, 89, 112, 133, 155, 165, 167, 238, 328, 368, 514, 631, 700, 703, 709.
Hudsons River, defense of, 42, 659, 742, 774, 863, 865; ferries, 273; gallies, 383; army marched to, 663, 666.
Hugg, Joseph, 283.
Hughes, Daniel and Samuel, 381, 663, 756, 772.
Hughes, John, lieut., 244.

Hughes, Samuel and Daniel, 381, 663, 756, 772.
Hughes, Timothy, captain, 249.
Hume, Robert, 573, 574.
Humpton, Richard, colonel, 568, 897.
Hunter, James, 173, 345, 376, 706.
Hunter, John, captain, 314, 425.
Huntington, Jedidiah, brigadier general, 347.
Huntington, Samuel, *a delegate from Connecticut.* Credentials, 11.
Huntington, ———, 46.
Hurrie, William, 338, 604, 625, 1018.
Hurt, John, 1057.
Hussey, Paul, captain, 471, 486.
Hutchinson, Joseph, 430.
Imbert, Jean Louis, 258.
Imlay, William, 722.
Imposts, State, 826.
Impressment, wagons and horses, 30, 56, 75, 144, 774; carriers, 396; supplies, 752, 905, 1014.
Independence, Declaration of, authenticated copies, 48.
Indians, Nova Scotia, 30, 34, 38; missionaries, 59; Pennsylvania, 62, 384, 392, 928; incursions, 69, 230, 942; committee, 92, 508, 770, 776; Floridas, 96; southern, 96; chiefs' expenses, 100; Penobscot, 101; Virginia frontier, 166, 201; presents, 127, 542, 550; treaties, 130, 166, 461; Creek, 224, 997; Oneidas, 308; middle department, 391; Fort Pitt treaty, 478, 493, 648; South Carolina, 823; Georgia, 823; Stockbridge, 757, 770, 840; confederation on, 844, 919; six nations, 62, 127, 166, 994; Shawanese, 943, 997; Delawares, 943, 977; employment of, 943, 1002; Chickasaws, 997; Choctaws, 997; instructions to northern commissioners, 998.
Indigo, green, 1029.
Industry, 271.
Ingraham, Winslow and, 963.
Innes, James, lieut. col., 51.
Inoculation of army, 110, 292, 317; in Virginia, 1016, 1039.
Inspector general, 162, 1023.
Intelligence, committee of, members, 44, 428; false, 784.
Intercourse with enemy, 783, 784, 1086.
Interest on loans, 102, 138, 158, 724, 730, 777; bills of credit, 124; bills of exchange, 457; circular, 1082.
Invalids, corps of, 288, 485, 554, 585, 690; money, 587; paymaster, 690.
Irish, Nathaniel, 891.
Ironhill, 709.
Irvine, William, colonel, 326, 897.
Irving, Thomas, 9.
Irwin, Matthew, captain, deputy commissary general of issues, 347, 429, 464, 477, 498, 504, 505, 506, 517, 553, 651, 702, 886.
Izard, Ralph, *commissioner to* Tuscany, 334, 502, 507, 519, 520.
Jack, William, lieut., 55.
Jackson, David, 490, 491.
Jackson, Henry, colonel, 490.
Jackson, James, 325.
Jacobs, John, 169.
Jamaica, 73.
James, Abel, 694, 695.
James, John, 694.
James, Thomas, 622.
Jameson, David, Dr., 759.
Jamison, John, captain, 29.
Jarvis, John, 341.
Jarvis, Leonard, 59.
Jauncey, James, jr., 52.
Jay, John, 397, 624.
Jefferson, Thomas, 71.
Jenkins, Seth, 188.
Jenkins, William, captain, 532.
Jewell, Robert, 23, 115, 231, 337, 407, 479, 487, 587, 680, 692, 844.
Johns, Richard, 19.
Johnson, Henry, captain, 90.
Johnson, Horatio, 113.
Johnson, John, Sir, 462, 995.
Johnson, Rinaldo, 79.
Johnson, Thomas, jun., governor, 205, 219, 301, 312, 318, 368, 374, 429, 474, 622, 668, 738, 793.
Johnston, Francis, colonel, 200, 255, 568, 897.
Johnstown, treaty of, 462.

Jolly, John, 209.
Jones, Charles, 108, 110.
Jones, Gabriel, 945.
Jones, Isaac, 598, 602, 603.
Jones, John Paul, 183, 465.
Jones, Jonathan, lieut. col., 640.
Jones, Joseph, *a delegate from Virginia.* Credentials, 628; attends, 628. *Committees:* New England committee, 650; Pennsylvania militia, 666; resolve, 733; Indian, 776; appeals, 800; war, 813; Saratoga convention, 871; campaign, 972, 1031*n*; treasury, 994. *War Board,* 824*n*, 871*n*, 883*n*, 960*n*, 966*n*, 967*n*, 1002*n*, 1047, 1048*n*. *Votes:* 636, 641, 669, 675, 682, 684, 725, 726, 730, 735, 750, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 970, 980.
Jones, Lewellyn, Captain, 31, 133.
Jones, Nathaniel, 680.
Jones, Owen, Jr., 708*n*, 719*n*, 1005, 1008, 1012.
Jones, Reuben, 497, 509.
Jones, Walter, 253, 490, 518.
Jones, Wyllie, 586.
Jones, captain, 173.
Jones, ———, Dr. (chaplain), 569.
Jordan, John, 395, 891.
Jordan, Thomas, 462.
Joseph, brig, 86.
Journals, committee on, 101, 212; to note time of attendance, 118; motion on entries, 164*n*, 599; distribution of, 412; daily printing, 474*n*; cost, 502; expunged, 674; ayes and noes, 676, 687, 688, 689; printed, 1089.
Joy, Daniel, 86, 639, 649.
Joynes, Levin, 148.
Judge Advocate, pay, 256; northern deputy, 391; rank of deputies, 421.
Justice, administration of, 956.
Kachlein, Peter, colonel, 422.
Kalb, Henri Jules Alexandre von Robaii, Baron de, services declined, 185, 721; thanked, 638; major general, 746, 769; expenses, 733, 743, 744, 937. *Letters,* 596, 687, 755, 756, 762.
Kearsley, John, 840.
Kearsly, Samuel, captain, 260, 464, 651.
Keeppenhover, Simon, 872.
Kelhopper, Frederick, 332.
Kemp, Peter, 125.
Kendrick, John, 1050.
Kennedy, captain, 387.
Kennedy, David, colonel, 981.
Kennedy, Edward, 1028.
Kennedy, William, colonel, 1070.
Kennon, William, colonel, 11, 19, 415, 464, 471, 932, 958, 992.
Kent, Nicholas, 546, 550.
Kermovan, Jean de, 65, 1048.
Kern, captain, 422.
Kerr, David, 320.
Kerr, James, 829.
Kirkbride, colonel, 338, 341, 360.
Kirkland, Moses, 240.
Kirkland, Samuel, 72.
Kittanning, Pa., 55, 260.
Klein, Heinrich, 615.
Klein, Leonard, 351.
Klose, Gotlieb, 89.
Klyne, M., 382.
Knight, John, 376.
Knight, Peter, 617, 647.
Knox, Henry, brigadier general, 386, 490, 516, 548*n*, 569, 847. *Letters:* 427, 531, 535, 537.
Krumrun, ———, captain, 407.
Kuntz, Elizabeth, 302.
La Balme, Mottin de, lieut. col., 385, 468, 539, 551, 568, 572, 797, 864, 878, 1035, 1055.
La Colombe, Chevalier de, 728, 930, 931, 963.
Ladeveze, Chevalier de, 579.
Ladich [Ladig], Jacob, captain, 486.
La Falconer, Panatière de, 761.
Lafayette, Marie Jean Paul Joseph Roche Yves Gilbert du Motier, Marquis de, 592, 634, 673, 738, 747, 769, 804*n*, 930, 947*n*, 983.
Lake Champlain, pay of officers, 672, 674.
Lake George, N. Y., boats for, 33, 307.
Lamar, Marion, major, 897.

Lancaster, Pa., prisoners, 8, 46, 592, 665; barracks, 184, 190; committee, 203, 208; rendezvous, 667; Congress to meet, 742, 752; committee to, 978, 1010.
Land, bounty, 171*n*.
Lands, disputed, by States, 890, 900.
Lang, James, captain, 344, 370.
Langdon, John, 71, 225, 330, 336, 465.
Langdon, Jonathan, 481.
Langworthy, Edward, *a delegate from Georgia*. Credentials, 931. *Votes*, 934, 935, 950, 951, 970, 980, 1010, 1056.
Lansdale, Thomas, 534.
Lansing, John, jr., 317*n*, 359*n*, 435*n*.
La Playne, ———, de, captain, 821.
Laporte, Bajieu, 333, 342.
La Radière, Bailleul, lieut. col., 525, 539, 574, 579, 637, 639, 932.
Lardner, John, 376.
La Rocatelli, Flobergue, 1040.
Latour, John Conrad, 305.
Laumagne, Viscount de, 1048.
Laumoy, ———, de, 525, 639, 760, 932.
Laurance, John, judge advocate general, 381, 395.
Laurens, Henry, *a delegate from South Carolina*. Credentials, 129; attends, 570; president, 854, 1053; illness, 1022. *Committees:* Georgia, 579, Deane, 596; Ticonderoga, 596, 686, 688; north, 599; treasury, 631; commerce, 632; New England committee, 650; South Carolina and Georgia, 660; Gwinnett, 758; Washington medal, 785; appeals, 800, 936; marine, 802; President's allowance, 806. *Votes*, 636, 641, 665, 669, 675, 683, 384, 725, 726, 730, 735, 750, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 823*n*, 870*n*, 882*n*, 884*n*, 888*n*, 906*n*, 941*n*, 947*n*, 954*n*, 968*n*, 1001*n*, 1038, 1055.
Lavien, Peter, & Co., 1054.
Law, Richard, *a delegate from Connecticut*. Credentials, 11, 628; attends, 496; leave of absence, 994. *Committees:* Marine, 508; north, 599; Indian, 776; provisions, 794; appeals, 800; Morgan, 831; additional articles of confederation, 885, 887*n*, 888*n*, 889*n*; corn stalks, 929. *Votes*, 636, 641, 665, 669, 682, 684, 725, 726, 730, 734, 750, 762, 765, 771, 779, 780, 781, 782, 787, 801, 803, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 880, 896, 904, 934, 935, 950, 951, 970, 980. *Mentioned*, 968.
Lawrence, John, colonel, 393, 560.
Lawrence, John, *Connecticut loan office*, 176, 330, 592, 632, 758, 1041, 1042, 1065.
Lawrence, Thomas, 301, 992.
Lawrie, John, 343, 498.
Laws, State, 291.
Lawson, Robert, lieut. col., 556, 1033.
Lead, Pittsburgh, 247; mine, 622, 884; spouts, in Philadelphia, 677; New York mines, 847.
Leakage, allowance, 610.
Leard, James, 429.
Learned, Ebenezer, brigadier general, 218.
Leather, purchase of, 939; in North Carolina, 965.
Lebanon, Pa., 231, 405.
Le Blanc, lieut., 606, 705, 877.
Lebrun, Augustin, captain, 705, 877.
Lebrun, Charles Louis, captain, 606, 705, 751*n*, 759, 778, 796, 845, 875, 877, 879, 882, 902, 903.
Ledlie, James, 1067.
Lee, Arthur, commissioner to Spain, 318, 409, 420, 514, 522*n*.
Lee, Charles, major general, treatment of, 16, 197, 411, 621; exchange, 10, 12, 582; converse with enemy, 140, 207. *Letters*, 105, 114, 134, 207. *Mentioned*, 8, 18, 19, 52, 135, 227, 269, 302, 875.
Lee, Francis Lightfoot, *a delegate from Virginia*. Credentials, 628; attends, 628. *Committees:* Articles of war, 13; Fort Mercer and Rhode Island, 976; Canada, 981; army, 1011; Otis, 1022; Gates, 1034. *War Board*, 473*n*, 474*n*, 477*n*, 495*n*, 554*n*, 557*n*, 560*n*, 566*n*, 581*n*, 594*n*, 595, 614*n*, 639, 656*n*, 670, 677*n*,

681*n*, 696*n*, 699*n*, 711*n*, 772*n*, 792*n*, 799*n*, 824*n*, 871*n*, 883*n*, 960*n*, 966*n*, 967*n*, 1002*n*, 1006, 1008*n*, 1026*n*, 1037*n*, 1047, 1048*n*, 1073*n*. *Votes*, 636, 641, 669, 675, 682, 684, 735, 762, 765, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 80, 87, 93, 122*n*, 159*n*, 304, 306, 417, 420, 1054, 1058.

Lee, Henry, jr., captain, 24, 388.

Lee, Isaac, captain, 748.

Lee, James, captain, 238, 426, 516.

Lee, John (alias John Brown), 374.

Lee, Richard Henry, *a delegate from Virginia*. Credentials, 628; attends, 631; leave of absence, 420, 928; nominated to France, 947*n*. *Committees:* Morgan, 15; impressment, 30; Bingham, 66; Georgia, 67; Somerset County, 79; New England committee, 94; Washington's proclamation, 95; deserters, 109; post office, 127, 347*n;* enemy's advance, 247; recruiting, 257; *Sherburne*, 260; defense of Philadelphia, 264; a motion, 272; beef, 281, 294*n;* reinforcements, 294; neutrality, 318; Trumbull, 395, 720; frontiers, 648; South Carolina and Georgia, 660; Ticonderoga, 688; Sullivan, 689; officers' rations, 710; intercourse, 783; recruiting, 805; Morgan, 831; Thanksgiving, 851; Gates, 859; Saratoga convention, 871; additional articles of confederation, 885; French officers, 886, 930; articles of confederation, 900; Burgoyne, 939; royal money, 985; Washington-Varnum, 1001; marine, 1034. *Motion*, 343*n*. *Votes*, 665, 669, 675, 682, 684, 725, 726, 730, 750, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 896, 904, 934, 935, 950, 951, 970, 980. *Mentioned*, 122*n*, 123*n*, 136*n*, 159*n*, 289*n*, 729, 755, 762, 768*n*, 773*n*, 817*n*, 827*n*, 888*n*, 937, 941, 948.

Lee, William, commissioner to Berlin and Vienna, 343, 502, 507, 518; letters, 824.

Lee, William, colonel, 204.

Leche, John, captain, 187.

Lees, Joseph, captain, 542.

Leesburg, Va., 32, 39.

Lefferty, Bryan, 589, 595, 605.

Legion, French, 986, 1037, 1049.

Leiper, Thomas, 376.

Le Maire, James, 563, 622.

L'Enfant, Pierre Charles, 765, 877, 903.

Lennox, David, captain, 705.

Lennox, William, 380.

Leonard, Thomas, major, 504.

Lesser, Chevalier de, 651, 743, 744.

Letters of marque issued by South Carolina, 224; Rhode Island, 226; sent to France, 317; revision of regulations, 318, 339; commissions, 792; under confederation, 913.

Letters, dead, 817.

Levant, ———, colonel, 360.

Levely [or Lavely] William, 108, 125.

Levers, Robert, 257, 496.

Levies, new, bounties, 28.

Lewes town, Del., 203, 224, 253, 275, 304, 369, 426.

Lewis, Andrew, brigadier general, 43, 109, 133, 213, 633; resigns, 270.

Lewis, Francis, *a delegate from New York*. Attends, 1004; thanked, 397. *Committees:* barbarities, 42; medical, 1016; commerce, 1023. *Votes*, 1010, 1056. *Mentioned*, 42, 66, 100, 295, 382, 906.

Lewis, Warner, 72.

Lewis, William, captain, 1058.

Lewis William, 1052.

Lexington, brig, 9, 17, 58, 90, 128, 173, 838; bounty, 127; duffels, 133; medicines, 274.

Light horse, 386, 391, 393, 407.

Lightfoot, Thomas, 643.

Lignet, J. F. C., 17.

Lilly, Robert, 192.

Lincoln, Benjamin, major general, 133; thanked, 861. *Letters*, 170, 649, 656, 674.

Lindenberger, George, 102.

Lindenmuth, Michael, colonel, 486.
Linn, John, 833.
Lion, sloop, 206; ship, 1004, 1067.
Lisle, Henry, 694.
Lisle, Romand de, 258.
Livingston, Abraham, 220, 291, 363, 619, 1011, 1058, 1065.
Livingston, Henry Brockholst, 643, 665, 769.
Livingston, James, colonel, 249, 392, 475, 710, 967.
Livingston, Philip, *a delegate from New York*. Credentials, 396, 906. *Committees:* marine, 313; commerce, 534; army, 546, 577. *Votes*, 624. *Mentioned*, 337.
Livingston, Robert, foundry, 111.
Livingston, Robert R., 225, 397.
Livingston, Walter, 349.
Livingston, William, governor, 696, 729, 738. *Letters*, 101, 184, 207, 335, 406, 428, 460*n*, 493, 712, 719, 747, 750, 798, 945, 1032, 1069.
Livingston and Turnbull, 609.
Loan office, advantage of, 956; returns, 1082.
Loan office certificates, 36, 40, 143, 225; paper for, 69; printing, 578; interest on, 103, 724, 730, 777, 1066; accounts, 201; bills of exchange, 456.
Loans, interest on, 102, 138, 158, 724, 730, 777; recommended, 137, 143; in France, 454, 989; motion on, 988; report, 988; in Spain, 989.
Long, James, 167.
Long, Robert, 290.
Long Island, N. Y., tories on, 109.
Loring, Joshua, 758.
Loring, Jotham, lieut. col., 586.
Lotbinier, Louis, 69, 176, 430, 543, 633, 740, 1016.
Lothrop, Isaac, 212.
Lott, Zephaniah, captain, 360.
Lottery tickets sent to States, 119, 214; interest on, 158; money appropriated, 172, 588; managers, 188, 192, 506; manner of drawing, 192, 224; prizes, 353; South Carolina, 543; postponed drawings, 619, 775.
Lovell, James, *a delegate from the Massachusetts Bay*. Credentials, 25; attends, 85. *Committees:* Indians, 92; journals, 101; conference with Gates, 175; applications, 185, 349; Schuyler, 280; foreign affairs, 385; Du Coudray, 554; articles of confederation, 900; Canada, 981; Rhode Island, 1027. *Reports*, 380*n*, 384*n*, 526*n*, 539*n*, 571*n*, 605*n*, 638*n*, 722*n*. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 726, 730, 734, 750, 762, 765, 771, 787, 801, 803, 807, 808, 810, 835, 849, 850, 853, 854, 867, 868, 879, 880, 904, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 109*n*, 190*n*, 276, 559, 978*n*.
Lowman and Hubley, 228.
Lowry, Thomas, 250, 712*n*.
Loyalists, Maryland, 82, 87, 97, 275, 284, 528, 905; committee on, 212, 291; Delaware, 85, 275, 284, 643, 678, 905, 991; crown officers, Penn., 591, 678; Virginia and Pennsy. frontiers, 944; confiscation of property, 971; employment of, 1053.
Loyeauté, ———, captain, 606, 705, 877.
Luce, Guillaume de, 9, 10*n*, 44, 189.
Ludwig, Christopher, 175, 248, 323, 505, 575, 578, 602, 638.
Lukens, Charles, 892.
Lunn, Robert, 655.
Lutes, Samson, 462.
Lutterloh, Henry Emanuel, colonel, 776, 825.
Lutz, Nicholas, lieut. col., 291, 451.
Lux, Darby, 131, 622.
Lux, William, 167, 168, 1053.
Lux, ———, 99, 533.
Lydia, 480.
Lyndon, J., 724.
Lyne, George, major, 345, 372.
Lyon, James, 295.
Lyon, William, 19.
McArthur, Neil, 205.
McArthur, Thomas, 534, 565.
McAustan, Alexander, 171.
McCallister, James, 680.
McCandles, George, 114, 360.
McCann, Robert, 680.

McCann, Thomas, 476.
McCastle, Murdock, 100.
McClenaghan, Blair, 973.
McCloskey, Patrick, 1040.
McClure, James, captain, 503.
McComb, John, 615.
McConnel, Matthew, captain, 244.
McCroskey, Samuel Allen, 824.
Maccubbin, Zachariah, 99.
McClenaghan, Alexander, colonel, 110.
McConnel, James, captain, 486.
McCoy, Thomas, 630, 652.
McCreigh, William, 567.
McCulloch, James, 543.
McCurdy, John, 824.
McDonald, Alexander, 182, 408, 451, 463, 706, 839.
McDonald, Allen, 182, 250, 408, 410, 451, 463, 570, 605, 625, 660, 706, 797, 839.
McDonald, Allen, jr., 182, 408, 463, 625, 706, 839.
McDonald, Angus, 53.
McDonald, Archibald, 182, 408, 410, 425, 463, 706, 797, 839.
McDonald, Frederick, 984.
McDonald, James, 485.
McDonald, Rennel [Ronald], 182, 408, 410, 463, 706, 797, 839.
McDougall, Alexander, major general, 226, 314, 315, 375, 383, 386, 823.
McDowell, John, captain, 461.
Macfarlane, Andrew, lieut., 55.
McGaw, Robert, colonel, 623.
McGee, Robert, 139.
McGuire, Matthew, 583.
McHenry, James, 623, 758.
McIntire, Thomas, 705.
McIntosh, George, 9, 764, 765, 787, 788, 789.
McIntosh, Lachlan, brigadier general, 597, 616.
McKay, Æneas, colonel, 15, 46.
McKay, Alexander, 205.
McKean, Thomas, 905, 972.
Mackenzie, John, capt., 24, 728.
McKennan, William, lieut., 337.
McKesson, John, 230, 397.
Mackinzie, Samuel, Dr., 70, 81, 139, 143.
McKinly, John, president, 60, 275, 343*n*, 344, 369, 390, 643, 654. *Letters*, 253, 301, 333, 372, 493, 556, 582, 585, 593, 599, 681.
McKinzie, John, 48.
McKnight, Robert, 503.
McLeod, Alexander, 100.
McLeod, Daniel, 100.
McMichael, William, lieut., 244.
McMurdie, Robert, 393, 633.
McNair, Andrew, 640.
McNutt, Susannah, 430.
McPherson, John, captain, 344.
Madison, Rowland, 505.
Maess, Jacob, lieut., 533.
Magaw, Robert, colonel, 664, 897.
Magazines, of Provisions, 15, 45, 395, 445, 1015; director of, 120; inspection, 280.
Magruder, Alexander Howard, colonel, 53.
Majority, 849.
Mallet, Daniel, 671, 791.
Mallet, Peter, 671.
Malmedy, François, 288, 346.
Mancke, Christian, lieut., 324.
Marbury, James, captain, 517.
Marchant, Henry, *a delegate from Rhode Island*. Credentials, 408; leave of absence, 932; commissioner, 1020. *Committees:* salt, 413; marine, 420; commissary bonds, 433; New England committee, 731; appeals, 800, 936; French officers, 886; post office, 898. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 726, 730, 734, 750, 762, 765, 771, 779, 780, 781, 782, 787, 801, 803, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 880, 896, 904, 934, 935; mentioned, 662*n*, 884.
Marine committee, members, 10, 87, 186, 312, 420, 496, 508, 802, 935, 1034, 1040; board of assistants, 281, 327; accounts, 423; money, 701, 715, 786, 789, 886, 898.
Marks, Levy, 188.
Marlet, ——, major, 174.
Marquisie, Bernard Moissac de la, 51.
Marsh, Ephraim, 1029.
Marshall, Benjamin, 361.
Marshall, Charles, 321, 1013.
Marshall, Christopher, Jr., 321, 1013.

Marshall, Thomas, colonel, 331.
Marshall, William, 536.
Marsteller, Philip, 479.
Martin, Alexander, 372.
Martin, Ephraim, colonel, 506.
Martin, Hudson, lieut., 148.
Martin, Luther, 79.
Martin, Robert, 573, 574.
Martinique, French regiment, 342.
Mary, 387, 622.
Mary Ann Furnace, 828.
Maryland, council of safety, 17, 65, 86, 97, 114; provisions, 26; money, 28, 164, 301, 323, 653, 678, 737, 1051; militia, 44, 53, 255, 273, 370, 474, 530, 592, 666; continental stores, 49; to appoint officers, 53, 375; cloth for troops, 81; rations, 92; insurrection, 104, 105; Eastern shore, 128; assembly, 139; cannon, 663; arms, 679, 763; damaged by Georgia troops, 792; artillerists, 822.
Mason, David, colonel, 51, 424, 471, 574, 712, 822, 825, 958, 1048, 1050.
Mason, George, 628.
Mason, Littlebury, 424.
Mason, Stevens Thomson, 846.
Massachusetts Bay, credentials of delegates, 25, 169; Nova Scotia expedition, 20, 313, 348; assembly, 59; money, 75; prices, 112; barracks, 173, 191; arms, 211; Roach, 464; militia, 600; officers, 897. *Letters*, 25, 65, 134, 229, 579, 601, 719, 871.
Massey, Margaret, 479.
Massey, William, 823.
Masts, timber for, 1004.
Mathiot, ——, 877.
Matigny, Charles Melchior Gaude de, lieut., 606, 705, 877, 903.
Matlack, Timothy, 483, 633, 1028.
Matron, hospital, 233.
Matthewman, Luke, 573, 574, 578, 584.
Matthews, Sampson, 899.
Matthews, Thomas, captain, 556.
Matthio [*or* Matthis], ——, lieut., 606, 705.
Mauroy, Viscomte de, 628, 637, 638, 721, 733, 743, 744, 1011.
Maxwell, William, brigadier general, 692, 706.
May, George, captain, 652.
Mearing, Michael, 479.
Mears, Sampson, 298.
Mease, James, clothier general, 221; money, 240, 325, 474, 514, 697, 899, 1005, 1016, 1071. *Letters*, 229, 351, 420, 472, 514, 689. *Mentioned*, 172, 180, 190, 249, 251, 255, 257, 269, 287, 290, 320, 341, 363, 429, 619, 655, 1058.
Mease, William, 40.
Medal for Washington, 785; Gates, 862.
Medical Committee, members, 13, 87, 1016; to visit hospitals, 237.
Medici, Cosmo, captain, 627, 1016.
Medicines, for northern army, 34; purchase of, 91; for inoculation, 140.
Mehs, Jacob, *see* Maess.
Meigs, Return Jonathan, lieut. col., 565, 579.
Melchior [Melcher], Isaac, 759, 968, 1051.
Melton, Philip, 345.
Meng, Wollory, 891.
Mentges, Francis, major, 897.
Mercer, Hugh, brigadier-general, 79, 84, 242, 258, 692.
Mercer, John Francis, 1049.
Mercer, Fort, evacuation, 975, 976.
Merckle, Charles, lieut., 143.
Mercury, 211.
Merlet, Hardouin, 204.
Messes, officers', 732.
Meyer, Lawrence, lieut., 248.
Meyer, William, 566.
Michael, Everhart, 664.
Middleton, Arthur, *a delegate from South Carolina*, credentials, 129. *Committees:* bills of credit, 107; teams, 395; Billingsport, 414. *Votes*, 636, 641, 665, 669, 725, 735, 762, 765, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810. *Mentioned*, 53, 94*n*.
Mifflin, Samuel, 1052.
Mifflin, Thomas, major-general, 133; money, 192, 299, 359, 460, 812, 984; pay, 359; to join Washington, 415; resigns, 874, 882; War Board, 874, 936, 960*n*. *Letters*, 184, 250, 415, 631, 792, 825, 941.

Mentioned, 68, 70, 106, 191, 276, 287, 294, 296, 305, 452, 476, 478, 481, 557, 637, 720, 727, 775, 776, 808, 948, 993.
Mifflin, Fort, 862, 975.
Militia, accounts of, 59, 297, 298; pay of officers, 74; proportion of officers, 191; abuse of privilege, 343; paymasters, 470; State quotas, 616; motion, 696; regulation, 698; supplies to be imported, 708; under confederation, 912; substitutes, 1002.
Milligan, James, 341, 705, 715; auditor, 999.
Milligan, William, 345.
Miller, Conrad, 673.
Miller, Henry, major, 897.
Miller, Henry, chaplain, 284.
Miller, Jacob, 453.
Mills, flour, 961.
Minerva, brig, 297.
Minis, Philip, 630.
Minnis, Francis, 1058.
Mint, to be established, 138.
Minyer, Edmund, 208, 230.
Missionaries, Indian, 59.
Mitchell, James, 680.
Mitchell, Joseph, captain, 301.
Mitchell, Nathaniel, captain, 471.
Mobile, 566.
Moeballe, Nicholas George, 423.
Molasses, 610, 929.
Molesworth, James, 210, 219, 361*n*.
Molliston, William, 631.
Money, paper, issued under King, 985, 990.
Monopoly, broadside, 1083.
Montgomery, ———, colonel, 320, 362.
Montgomery, John, 100, 790.
Montgomery, Michael, lieut., 244.
Montgomery, Richard, brigadier-general, 81*n*, 349, 1059.
Montgomery, William, 824.
Montgomery, sloop, 297, 493.
Montgomery, fort, 774, 975.
Monthieu, ———, 876.
Moody, Thomas, 276.
Moon, Jacob, 389.
Moore, James, brigadier general, 90, 130, 535, 992.
Moore, Robert, 48.
Moore, Thomas, 946.
More, John, 822, 828.
Morehead, Samuel, capt., 55, 260.
Morgan, ———, captain, 125.
Morgan, Daniel, colonel, 188, 294, 295, 303, 608, 650, 865.
Morgan, George, colonel, 22; commission, 202; West Florida, 566; enquiry, 831, 944; money, 502, 503, 679, 982, 992. *Letters*, 14, 20, 148, 161, 184, 201, 229, 230, 288, 303, 460, 478, 508, 523, 647, 659, 670, 719, 723, 755, 801, 936, 948. *Mentioned*, 165, 167, 228, 247, 256, 301, 344, 494, 539, 805, 811, 839, 893, 899, 942.
Morgan, John, Dr., dismissed, 24; papers from, 44; supplies, 91; letters, 593; report on, 623, 626; money, 728.
Morris, Appolos, major, 428, 450, 468, 489.
Morris, Israel, 283.
Morris, Gouverneur, *a delegate from New York*. Credentials, 397; mentioned, 375, 383, 624, 906.
Morris, Jacob, 227.
Morris, James, 838.
Morris, John, Jun., 482, 746.
Morris, Lewis, *a delegate from New York*. *Committees:* conference with Gates, 175; commissaries, 177; treasury, 192; beef, 281. *Mentioned*, 179, 397.
Morris, Lewis, Jr., 406.
Morris, Robert, *a delegate from Pennsylvania*. Credentials, 169, 1027; leave of absence, 806. *Committees:* expenses, 1777, 362; commissary, 384; A. Morris, 468, 489*n*; commerce, 534; Du Coudray 558; army, 701; New England committee, 731; president's allowance, 806; campaign, 972. *Votes*, 624, 636, 641, 675, 682, 725, 726, 730, 750, 781, 782, 801, 804, 807, 808, 835, 867, 868, 879, 980. *Mentioned*, 11, 33, 89*n*, 147*n*, 208, 210, 216, 257, 291, 363, 394, 428, 495*n*, 533, 619, 816, 860, 979*n*, 1058.
Mortars, to be cast, 847.

Morton, John, 1042.
Mosely, Emperor, 86.
Moson, James, 422.
Mount Michael, 343, 498.
Mountford, count de, 189.
Mount Hope, 686.
Mount Independence, evacuation, 569, 585, 596, 653, 659, 669, 674, 681; committee, 688, 787, 901, 1053; evacuation by British, 1004.
Mourgues [Mourgens], Jean Baptiste, lieut., 673, 967.
Mourren, Viscount, 595.
Moylan, Stephen, colonel, 158, 168, 238, 365, 374, 382, 406, 449, 567, 593, 608.
Mucer, John, 351.
Muhlenberg, Peter, colonel, 52, 238; brigadier general, 141; letter, 579.
Mullen, ———, captain, 624.
Mullens, Thomas, 1048, 1057.
Mumford, William Green, deputy commissary general of issues, 477.
Murdock, John, colonel, 44.
Murray, John, 463, 464.
Muskets, imported, 602.
Musters, commissary general of, regulation, 221, 247, 308, 322, 619; rank, 252; election, 252, 253; difficulties, 609; pay, 619.
Myers, Jacob, 115.
Nagle, George, 897.
Nail rods, for northern army, 33.
Nash, Abner, 737.
Nash, Clement, 702.
Nash, Francis, brigadier general, 90, 141, 538, 549, 551, 608; monument, 861.
Navy board, continental, money, 592, 749, 869; letters, 615, 739; rules, 1083.
Navy, commissioners, eastern department, 281, 327, 331, 833, 836; petition of lieutenants, 361; salary of clerk, 837; middle department, 1040.
Navy, continental, commanders' allowance, 581; lieutenants' conduct, 573, 574, 578, 584; Lake Champlain, 672; suspension of officers, 833; recognition of civil authorities, 1066.
Neal, Ludwick, 43.
Neff, Jacob, 503.
Neil, William, 28.
Neilson, James, 394.
Nelson, John, 578.
Nelson, Thomas, *a delegate from Virginia.* Leave of absence, 335. *Committee:* Danbury, 314. *Mentioned*, 18, 28, 32, 35, 40, 61.
Nelson, John, captain, 200.
Neptune, 748.
Nesbit, David, 714.
Neutrality, laws of, 318.
Nevelling, John, 295.
Neville, John, lieut. col., 458.
Newcomb, Silas, brigadier-general, 503, 664.
New England States, committee, 65, 66, 80, 87, 93, 97, 111, 118, 121; approved, 88, 124; proceedings, 650, 731, 841, 953, 968, 971.
New Hampshire, credentials, 71, 365; committee of safety, 134; money, 50, 255, 474, 736, 746, 1051; grants, 239, 491, 497, 507, 508; bills of credit, 579; militia, 600; instructions to Stark, 656; expenses of prisoners, 1021; clothing for troops, 1048.
New Jersey, money for, 46, 164, 184, 505, 1051, 1070; militia, 244, 300, 452, 470, 550, 592, 600, 659, 676, 712, 750; sulphur, 249; college of, 558, 566; blankets, 742; ammunition for, 747; credentials, 1017; protection, 1036.
Newman, Wingate, 723.
New Orleans, 566.
New York, credentials of delegates, 230, 396; letters of convention, 31, 42, 202, 230, 244, 296, 381; address to people, 42, 94, 210, 1081; money, 84; resolutions, 348; gallies, 383; committee of safety, 130, 230, 583, 937; salt, 465; New Hampshire grants, 491, 497, 507, 508; passes into city, 563; militia, 600; lead mines, 847.
Niagara, surprise of, 999, 1002.
Nicholas, Martin, 1066.

Nichols, Francis, captain, 341.
Nichols, Samuel, 624.
Nichols, Thomas, alias Dudley, 99.
Nicholson, George Chardin, 210, 475.
Nicholson, James, captain, 312, 318, 665.
Nicholson, Thomas, 89.
Nicola, Lewis, colonel, 429, 485, 552, 554, 556, 587, 640, 655, 680, 706, 710, 757, 799, 868, 968, 985.
Nimham, Abraham, 757, 770, 840.
Niveau, ——, lieut., 705.
Nivard, ——, 765, 877.
Nixon, John, 615.
Noarth, George, 102, 253.
Noel, ——, 705
Norman, John, 40.
Norris, Aquila, 128.
Norris, George, 891.
Norris, James, 364.
North, Caleb, major, 897.
North, John, 209.
North, William, 209.
Northampton co nty, Va., 109, 461.
North Carolina, credentials of delegates, 85, 411; beef, 26; money, 51, 92, 176, 394, 538, 712, 714, 791, 869, 1003, 1038; brigadier-general, 90; militia, 90, 223; arms, 292; troops, 317; commissions, 394; memorial, 415; battalions, 450, 475; artillery company, 544, 567; chaplains, 557; naval stores, 660; State of, 688; light horse, 696, 730; leather, 965. Prisoners: petition, 24, 89, 142, 432, 477; committee, 128, 152; references, 107, 115, 168, 195, 205.
Northward, expedition to, 50.
Nourse, Joseph, 48, 248*n*, 361, 473, 974.
Nova Scotia, expedition against, 18, 20, 313; situation, 73, 313, 348; Indian agent, 30, 34, 38; petition, 297, 348.
Nure, Francis, lieut., 860.
Nurse, hospital, 163, 233.
Oath of allegiance. Maryland loyalists, 83.
Oath of fidelity, 43, 431; secretary's office, 193; board of war, 242; commissioners of claims, 258; clerk committee of foreign affairs, 274; inspectors of press, 378; commissaries, 448, 603.
Officers, elections, 98, 131, 132*n*, 133, 138, 141, 213, 218, 323, 324, 347, 746; redress for injuries, 265; vacancies, 561; absent, 595; complaints, 609; rations, 710, 711, 732; Washington's powers, 752; under confederation, 846, 913; rewards, 965; opinions, 1035; number of, 1073. *Foreign:* commissions refused, 174, 177; French, 185, 759, 799, 876, 885, 902; certificates, 189; by *Amphitrite*, 336; commissions, 406, 451; list, 557; employment, 562, 740; Deane's authority, 721; British, prisoners, 267. *Hessian:* exchange, 10, 12; to Virginia, 102, 412; Canadian, 170; paroles, 653. *Pay*, Virginia and Maryland, 109; militia, 74, 190, 218; lists appointed by States, 217; on parole, 623, 651; power to suspend, 642; behavior towards States, 656; navy, Lake Champlain, 672. *Rank*, Virginia and Maryland, 109, 217, 375, 413, 415, 562.
O'Hara, James, captain, 872.
Ohio, forts on, 231.
Oil, curry, 488.
Olive Branch, brig, 66.
Ommensetter, John, 407.
Oneidas, 308.
Ord, John, 192.
Orth, Adam, 479.
Oswald, Eleazar, lieut. col., 449.
Oswegatchie, 308.
Otis, Samuel Alleyne, 893, 1022, 1031, 1033, 1042, 1071.
Ottendorff, Nicholas Dietrich, major, 11, 29, 119, 143, 159, 186, 260, 305, 345, 710.
Oury, Wendel, 697.
Owings, Nathaniel, 622.
Oxen, continental, at Philadelphia, 47.
Paca, William, *a delegate from Maryland.* Credentials, 131. *Committees:* appeals, 40; Hall, 507. *Votes*, 636, 641. *Mentioned*, 48, 462, 478, 665*n*, 815*n*.
Page, John, 170.
Page, Mann, jr., *a delegate from Virginia.* Credentials, 71. *Committees:* Warren memorial, 80; Indians, 92; Caldwell, 93; treasury, 94; saltpetre, 107; Schuy-

ler, 280; Wooster, 369. *Mentioned*, 71, 122*n*, 125.
Paine, Robert Treat, *a delegate from the Massachusetts Bay*. Credentials, 25. *Mentioned*, 13, 40*n*, 119, 225, 1020.
Paine, Thomas, elected clerk, 274.
Painter, Elisha, 28, 47, 48, 288, 298.
Palfrey, William, 14, 52, 102, 148, 192, 205, 229, 239, 314, 320, 425, 547, 617, 900, 901, 940, 941, 975, 1038, 1041, 1042.
Pancoast, David, 891.
Paper, for loan office certificates, 69; bills of credit, 115.
Papers, public, removal of, 744, 974.
Pardon, power of, 381*n*, 390, 477; on return to allegiance, 1012.
Parisy, ———, lieut., 606, 705, 877.
Parks, ———, 892.
Parrison, ———, captain, 705, 877.
Parsons, Beersheba, 673.
Parsons, Elizabeth, 674.
Parsons, Samuel Holden, 777, 1040.
Paschal, Stephen, 479.
Passengers on continental vessels, 582.
Patapsco River, 665.
Paterson, John, brigadier general, 141, 596, 1055.
Patten, Robert, 139.
Patterson, Christopher, 870.
Patterson, Ezra, 632.
Patterson, George, 33.
Patterson, Robert, 711.
Patterson, Samuel, col., 10.
Patterson, William, 97.
Patton, George, 186.
Patton, John, colonel, 362, 974.
Patton, John, captain, 423.
Patton, Robert, 205, 422, 739.
Paxton, James, 973.
Pay, of staff, 50, 121; officer, 74; unpaid troops, 171; militia officers, 190; army, 214, 489; post-office, 154; hospital corps, 163, 245; cavalry, 178; assistant paymasters, 216, 458, 657; regulations, 218, 282, 1002; prisoners of war, 215, 289; commissary of musters, 222; discharged regiments, 252; rolls, committee, 266, 282, 311; deceased officers and soldiers, 282; regimental surgeons, 289; withholding pay, 342; quartermasters, 359; stoppages, 369; by abstract, 391; General's secretary, 475; commissaries, 603; muster commissaries, 610; deputy paymasters, 693; assistant clothiers, 697; paroled prisoners, 1052.
Payenneville, James, 737.
Paymasters, regimental, 33, 209, 309, 426, 470, 730; Hessian, 73; northern department, 84, 392; pay of assistants, 216, 458, 657, 693; regulation, 248, 552, 576; pay and rank, 458, 526; difficulties, 609; invalids, 690.
Peace commissioners, British, 400.
Peale, Saint George, 83, 84.
Pearl, frigate, 173.
Pearson, Jonathan, 673.
Pechin, Bright and, 302.
Peck, William, 561.
Peekskill, Rhode Island battalion at, 742.
Peery, William, captain, 304, 425, 507, 654, 990, 992, 1005.
Pelissier, Christopher, 60.
Pemberton, Israel, 694, 714, 718, 719*n*, 798, 1052.
Pemberton, James, 694, 714, 718.
Pemberton, John, 694, 714, 718.
Pemberton, John, 1067.
Pemberton, Joseph, 694.
Penn, John, *a delegate from North Carolina*. Credentials, 411; attends, 490. *Committees:* marine, 802; Lancaster, 978; medical, 1016. *Votes:* 636, 641, 669, 675, 682, 730, 750, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 934, 935, 950, 951, 970, 980, 1056.
Penn, John, governor, 633, 634, 641, 695.
Pennel, Joseph, 15, 504, 813.
Pennsylvania, credentials, 169, 746, 1027; council letters, 31, 54, 62, 108, 171, 658, 753, 863, 985, 1033, 1048, 1052; money, 113, 164, 184, 240, 314, 475, 483, 557, 592, 741; accounts, 229; defense, 246, 263, 268; navy board, 250; authority, 263, 268; militia, 273, 370, 414, 470, 550, 583, 584, 592, 600, 649, 658, 666, 711; board

of war, 287, 368, 388, 451; 7th battalion, 296; condition of, 314; 4th battalion, 345; Indian complaints, 384, 392; State regiments, 482; Proctor's regiment, 564; crown officers, 591, 592*n*; cannon, 677; address to people, 774; memorial of officers, 882; rank of field officers, 896; militia substitutes, 1002.
Penobscot Indians, 23.
Penrose, ———, colonel, 503.
Pensacola, 566.
Percy, Lord, 150*n*.
Peters, Thomas, 376.
Peters, Richard, secretary war board. 14, 42*n*, 46*n*, 110*n*, 121*n*, 186*n*, 209*n*, 217*n*, 248*n*, 289*n*, 382*n*, 383*n*, 396*n*, 506*n*, 639*n*, 649, 653*n*, 770*n*, 772*n*, 778, 796*n*, 869*n*, 883*n*, 897*n*, 940, 1073*n*; continued in office, 959; war office, 971.
Petitions to King and Parliament, 341.
Pettit, Charles, 1018.
Phelps, Othniel, 541.
Phifer, Martin, captain, 627, 1016.
Philadelphia, removal of stores, 66, 254, 271, 747; defense of, 246, 250, 263, 410; militia, 296, 736; light horse, 376; guards, 552; public bells, 741; supplies in, 751; printing presses, 754. *Committee of Congress at:* 11, 14, 18, 25, 31, 32, 46, 49, 50, 54, 60, 64, 68, 88, 101, 126, 130, 134, 148, 168; orders to, 32, 33, 66, 86; money, 102, 216; accounts, 259.
Philbrick, Joseph, 577.
Phile, Frederick, Dr., 139, 322.
Philips, Peter, 489, 585, 607.
Phillips, William, 629, 836.
Philpot, Brian, 28.
Philpot, John, 19.
Phœnix, brig, 30, 79, 427, 467.
Physician & surgeon general, 162, 234, 257.
Picard, ———, captain, 705.
Pickering, Timothy, colonel, war board, 874, 945, 1069.
Pierce, Job, 30, 79, 427, 467.
Pierce, John, jr., 327.
Pierpont, John, 101.
Pierre, ———, captain, 606, 877.
Piey, Thomas, lieut., 244.
Pigot, R., 1050, 1062.
Pigot, William, 105.
Pillier, ———, 60*n*.
Pilots, reward, 219, 361*n*.
Pinckney, Charles, *a delegate from South Carolina*. Credentials, 130.
Pinkham, John, 182.
Pitt, fort, provisions, 21, 161, 247, 256, 502, 539; powder, 256; carpenters, 301; supplies, 872; commissioners to, 943, 944, 1018; troops, 975.
Pittsburg, 69, 247, 270.
Platt, Ebenezer S., 676.
Pleasants, Samuel, 694, 714, 719.
Pluggy's town, 166, 201, 999.
Plundering by troops, 793.
Plunket, David, captain, 169.
Plunket, Thomas, 338.
Poe, David, 939.
Polhoos, Thomas, 302.
Polk, Thomas, colonel, 992.
Polke, Robert, 213.
Pollard, William, 503.
Polly, sloop, 171, 617, 647.
Pomeroy, R., 573, 574.
Pommereüil, ——, lieut., 606, 705, 877.
Pond, Charles, captain, 385.
Pool, William, 429.
Poor, Enoch, brigadier general, 141, 417, 596, 1055.
Popham, William, captain, 244.
Pork for army, 27, 961.
Porter, Stephen, captain, 341.
Porter, ——, colonel, 429.
Porter, ——, captain, 624.
Porterfield, Charles, captain, 303.
Portugal, King of, against American ships, 318.
Postlethwaite, Samuel, captain, 774.
Postmasters and postriders, disaffected, 29; exempt from militia, 347.
Post office, delay in organizing, 30; committee on, 127, 153, 258; report, 816; obstructions, 898.
Potatoes for army, 439.
Potter, James, brigadier genèral, 423, 680.

Potts, Jonathan, 34, 254, 527, 870.
Powder, Baltimore, 37, 64; for Schuyler, 64; for *Lion*, 206; from France, 211; at Annapolis, 219; Fort Pitt, 256; house rent, 534; from states, 584; imported, 860.
Powell, Jeremiah, 410, 758, 1074.
Powell, Lawrence, 292.
Powell, Levin, lieut. col., 832.
Power, Alexander, 892.
Prahl, Lewis, 174, 185, 202.
Prentis, Joseph, 71.
Prescott, Richard, major general, 564, 571, 580, 582, 621, 1050.
President of Congress, allowance, 806.
Press, superintendents, 332, 378; printing, for army, 581, 609, 613; in Philadelphia and Germantown, 754; in Yorktown, 817.
Pressman, George, 156.
Preston, William, 891.
Price, George, captain, 650.
Price, Henry Yelverton, 493.
Price, James, 176, 181, 195, 213, 811, 1058.
Price, Thomas, colonel, 422*n*.
Prices, conventions, 112*n*, 124, 956; labor, &c., 124; Middle States, 267; in New Jersey, 499. *See* New England convention.
Prime, Leonard, 674.
Princeton, battle of, order of no quarter, 278.
Priscilla, 472, 486.
Prisoners, sent to Lancaster, 8, 46, 592, 665; to Lexington, 9, 10; provisions, 12, 494, 977; at Baltimore, 17; North Carolina, *see* under that title; Leesburg, 32; commissary, 41, 289, 422, 777; treatment, 42, 49, 430, 431, 449, 627, 939, 1006, 1008, 1029, 1036; barracks, 191, 773; exchange of, 197, 253, 421, 571, 621, 970; lists, 209; pay, 215, 363, 371, 623, 651; Reading, 302; Easton, 302; York, 325, 592, 665; enlistment of British, 348, 353; dismissed from parole, 350*n*; motion, 423; delivered by states, 492; Cadada, 502, 986, 1037; expenses of states, 643, 1050; wages of seamen, 776; used as laborers, 797; money for support, 846; at Sharpsburg, 946; officers on parole, 1021, 1052; in New Hampshire, 1021; enlisted in British army, 1069.
Privateers, commissions, 792.
Prizes, condemnation of, 802, 804.
Proctor, Thomas, colonel, 482, 551, 552, 564, 583, 608.
Profanity in army, 157.
Property, destruction of, by British, 277; public, 777.
Providence, sloop, 284.
Provisions for American prisoners, 12, 1036; magazines, 15, 45, 395, 405, 504; safety of, 46, 315; for enemy's ships, 105; commissary general, 120; purchases, 280, 305; for army, 794, 829, 976.
Pugh, ———, colonel, 482.
Pulaski, Casimir, count, 631, 673, 687, 698, 711, 745.
Purcell, Henry, 575.
Purveyors, hospital, 162, 198.
Purviance, Robert, 37, 167, 295, 533.
Purviance, Samuel, 99, 156, 167, 295, 533.
Putnam, Israel, major general, 564, 608, 720, 736, 858, 865; allowance, 704. *Letters*, 14, 25, 64, 89, 187, 229, 246, 253, 260, 365, 527, 703, 724, 754, 766, 773, 793, 805, 824, 899, 900.
Pyot, William, 653.
Quakers, 688*n*, 693, 707, 713, 718, 720, 722.
Quartermaster's department. Mifflin's plan, 191, 273, 292, 355, 941; money, 192; pay of, 255, 359; regimental, 566; accounts and officers, 728; regulation, 831, 962, 1085.
Quotas, States, of tax, 137. *See* Confederation, articles of, art. 9, 848, 955.
Quick, Mary, 673.
Quorum, defined, 840.
Racehorse, 292.
Rae, James, 616.
Raimbeaux, Recules de Basmeireen, 623.
Raleigh, brig, 607.
Ralston, Robert, 791.
Ramsay, John, 193.
Ramsay, J., Dr., 254.

Ramsay, ———, lieut. col., 376.
Ramsey, Nathaniel, captain, 294.
Randolph, Benjamin, 376, 387, 640.
Randolph, 761.
Randolph, Fort, 21.
Rank, Virginia and Maryland, 109; brigadiers general, 141; officers, 217, 413, 418, 451; disputes, 383; difficulties of, 609; cavalry, 869, 872; Pennsylvania field officers, 896.
Ranger, 464, 465.
Rathbun, John, captain, 284.
Rations, returns of, 222, 672; extra in Canada, 413; allowance for, 446, 884; regulation, 629, 710, 711, 732, 829, 1068.
Rawlins, Moses, colonel, 54, 1029, 1032, 1038.
Read, George, *a delegate from Delaware. Committees:* appeals, 172; Delaware militia, 300. *Votes*, 725, 726, 730, 735, 750. *Mentioned*, 220.
Reading, Pa., prisoners, 302.
Recruiting, committee on, 257, 261, 805, 813; accounts, 309; advances, 552, 576; arrangements, 593; Washington on, 837; broadside, 1084.
Recruits, States to report success, 25; subsistence allowance, 55.
Red Bank, defense, 862.
Redick, David, 782.
Reed, Joseph, *a delegate from Pennsylvania.* Credentials, 746, 1027; brigadier general, 347; declines, 428; commissioner, 945, 1001, 1016, 1018; nominated to France, 947*n*. *Mentioned*, 14, 59, 972.
Register, committee on appeals, 348.
Reid, John Rodolph, captain, 244.
Reiley, William, lieut., 331.
Reinforcing Washington's army, committee, 294, 296, 299.
Reiss, John, lieut. col., 371.
Repulse, 1067.
Retaliation, 135, 430, 449.
Retaliation, sloop, 598.
Revenge, 602.
Rewards, destruction of British ships, 266; deserters from British, 340, 417.
Reynolds, ———, lieut., 883.
Rhoades, Abiathar, 396, 418.
Rhode Island, credentials, 408, 724; defense of, 124, 272; accounts, 171; money, 172, 329, 533; letters of marque, 226; attempt against British fleet, 662; British forces withdrawn, 742; expedition, 975, 976, 988, 1018, 1027.
Ricault, ———, 572.
Richards, John, 874.
Richardson, Holt, major, 405.
Richardson, William, colonel, 81, 319, 323, 382, 530, 536, 540, 564, 643, 706.
Richmond, Christopher, 132.
Richmond, brig, 13.
Rickman, William, 570, 626, 1039.
Ridgely, R., 131.
Riflemen, 649.
Riorden, John, 563.
Ripper, William, captain, 326, 345.
Ritchie, Robert, 192, 257, 506, 832.
Rittenhouse, David, 296*n*.
Rivaud, ———, lieut., 606, 877.
Roach, John, captain, 464, 465.
Roberdeau, Daniel, *a delegate from Pennsylvania.* Credentials, 169, 1027; leave of absence, 343; attends, 1027. *Committees:* conference with Gates, 175; applications, 185; health of army, 193; enemy's vessels, 266; pay rolls, 266; commissaries, 277; Delaware militia, 300; Trumbull, 517; Allison, 536; Ticonderoga, 596; Pennsylvania militia, 666; provisions, 794; Morgan, 831; thanksgiving, 851; post office, 898; Indians, 928; corn stalks, 929; Buchanan, 948; army provisions, 962; clothier general, 966; Lancaster, 978; pardons, 1012; loyalists in office, 1053. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 726, 730, 735, 750, 762, 765, 771, 780 *bis*, 781, 782, 787, 801, 804, 835, 843, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 934, 935, 950, 951, 970, 980, 1010, 1056. *Mentioned*, 206, 1023, 1057*n*.
Roberts, William, major, 974.
Robinson, Burton, 644.
Robinson, Cornelius, 604.

Robinson, Peter, 644.
Robinson, Thomas, major, 897.
Robsamen, Jacob, 113.
Roche, ———, 184.
Rock Hall, 665.
Rodeg, John, 615.
Rodgers, John, 673.
Rodney, Caesar, brigadier general, 337, 591.
Rodney, Thomas, captain, 337.
Roe, Jesse, 891.
Roebuck, 257.
Rogers, Nicholas, captain, 606, 751.
Romanet, ———, 765, 877, 903.
Rosanna, 472.
Rose, Amos, 703.
Ross, Alexander, 542, 548.
Ross, George, *a delegate from Pennsylvania. Committees:* barbarities, 43; Campbell, 45; unfinished business, 51. *Mentioned*, 41, 48, 68, 828.
Ross, James, lieut. col., 897.
Ross, John, 192.
Ross, Richard, 1065.
Rouerie, Armand de la, 543.
Rouilhac, ———, 1058, 1065.
Roussi, Regnier de, lieut. col., 142, 156.
Rowan, Stephen, 195.
Rudolph & Co., 738.
Rum, 738.
Rumsey, Benjamin, *a delegate from Maryland.* Credentials, 131; leave of absence, 329. *Committees:* North Carolina prisoners, 128; *Sherburne*, 260; pay rolls, 266; toryism, 275; beef, 281; Pennsylvania, 314; treasury, 994; appeals, 1015. *Votes:* 867, 868, 879, 881, 896, 904, 934, 935, 950, 951, 970, 980, 1010. *Mentioned*, 1021*n*, 1051.
Rumsey, Nathaniel, 80.
Rush, Benjamin, *a delegate from Pennsylvania. Committee:* Warren memorial, 80, 243. Surgeon general, 254; physician general, 518. *Mentioned*, 156, 164*n*, 394, 525.
Rush, Jacob, 176*n*, 872, 875.
Rusk, Nicholas, 674.
Russell, William, colonel, 543, 544.
Rutherford, Thomas, 142, 432, 477.
Rutledge, John, governor, 9, 224, 415, 464, 471, 758, 823, 932, 958.
Rutter, Thomas, 108.
Ruttenburgh, Thomas, 297.
Sacket, Nathaniel, 547.
Sailors, maimed and incurable, 164; advance money, 207.
St. Aubin, St. Pierre Auguste de, 37.
St. Clair, Arthur, major general, 133; ordered to Ticonderoga, 217, 307; leave of absence, 280, 901; ordered to headquarters, 590; command, 727*n*. *Letters*, 346, 531, 546, 569, 600, 672, 700.
St. Leger, Barry, colonel, 995.
Saint Domingo, French regiment, 342.
St. Johns, Indians, 38; attack planned, 999.
St. Ouary, Baron de, 991.
Salisbury, Conn., furnace, 111, 847; provisions, 315.
Sally, brig, 1052.
Salt, 316, 446, 560, 562, 610, 961; for North Carolina, 27; for Fort Pitt, 272, 478; committee, 413, 458, 461; New York, 465; importation, 829; transportation, 830, 977, 1010.
Salt Springs, 109, 244, 733.
Saltonstall, Gurdon, 536.
Saltpetre, committee, 107, 113.
Sappenfield, Matthias, 432, 484.
Saratoga, convention of, 851, 871, 880, 881; stores under, 949, 1059; not to be altered, 1032; list, 1034; broadside, 1089.
Sargent, Winthrop, 836.
Sassafras, Md., 667.
Scammell, Alexander, colonel, 535.
Schennectady, N. Y., 84.
School, military, 485.
Schuyler, Philip, *a delegate from New York.* Credentials, 397; attends, 230; leave of absence, 901; to use salt springs, 109; reprimanded, 180; conduct of, 279; to send troops, 289, 300; accounts, 326, 349; memorial, 333, 334, 336; motion, 347; ordered to north, 364, 375; to headquarters, 596; militia assembling, 659; succeeded by Gates, 604;

charges, 787. *Letters*, 31, 49, 51, 65, 66, 101, 126, 170, 186, 203, 385, 468, 490, 492, 527, 546, 569, 582, 600, 621, 628, 647, 649, 659, 663, 670, 674, 785, 1053. *Mentioned*, 15, 29, 32, 33, 62, 64, 73, 84, 242, 251, 255, 259, 271, 273, 279, 294, 297, 298, 311, 317, 344, 362, 374, 376, 391, 436*n*, 437*n*, 447*n*, 462, 475, 549, 550, 561, 562, 769.
Schuyler, sloop, 385.
Schuyler, fort, 771.
Scott, Charles, brigadier general, 213, 623, 981.
Scott, James, captain, 82, 479.
Scott, John Morin, 381.
Scott, Joseph, captain, 98.
Scott, Thomas, 702.
Scudder, Nathaniel, *a delegate from New Jersey*. Credentials, 1017.
Seal, public, 59.
Seamen, 16, 776; advertisement, 1082.
Search, Thomas, 361.
Secrecy, Secretary's office, 194; board of war, 242.
Secret committee, to report, 45; money for, 216, 590, 728; accounts, 423; members, 533.
Secret correspondence, committee, money for, 98; clerk, 274; name altered, 274; correspondence with Deane, 596.
Secretary, office organization, 193; deputy, 195, 202, 874; to brigadier, 475.
Seely, ———, colonel, 338.
Seitz, Charles, 260, 710.
Selin [or Selim], Antoine, 119, 324.
Semple, William, 240.
Seneca Indians, 22.
Sergeant, Jonathan Dickinson, *a delegate from New Jersey*. Leave of absence, 156, 219; Bedford incident, 458, 459, 461, 466. *Committees:* Marine, 10, 186; appeal, 13; intelligence, 44; appeals, 75, 337; brig *Joseph*, 86; Washington's proclamation, 95; deserters, 109; Delaware militia, 300; Trumbull, 517; Jay, 624. *Votes*, 624, 636, 641, 669, 675, 682, 684. *Mentioned*, 94, 95, 259, 524*n*.
Sergeant, Samuel, 892.
Servants, enlistment, 262, 369, 391; soldiers, 670.
Sever, William, 211, 601, 618.
Severs, Frederick, 968.
Seydett, ———, captain, 486.
Shaeffer, Conrad, lieut. col., 422.
Shaler, Timothy, 188, 206.
Shallus, J., 739, 746.
Shappel [Shable, Jacob], captain, 486.
Sharon, Conn., 315.
Sharpsburg, 946.
Shaw, Nathaniel, 177.
Shaw, William, 411.
Shawanese Indians, 943.
Sheaff, Henry, captain, 115.
Shee, Walter, 351.
Sheldon, Elisha, colonel, 70, 178, 608, 861, 869.
Shelly, Daniel, 828.
Sheppard, Abraham, colonel, 450, 475.
Sherburne, 259, 384.
Sherer, Henry, 673.
Sherman, Roger, *a delegate from Connecticut*. Credentials, 11; leave of absence, 508. *Committees:* Kennon, 11; executive boards, 26; impressment, 30, 78; provisions, 45; appeals, 75; Southouse, 89; New England committee, 94; Washington's proclamation, 95; bills of credit, 107, 138; army contract, 134; conference with Gates, 175; Lancaster, 203; beef, 281; reinforcements, 294; shoes, &c., 414, 489*n*; marine, 420, 508; A. Morris, 468. *War Board*, 473*n*, 474*n*, 477*n*, 485*n*, 492*n*, 495*n*, 518*n*, 541*n*, 554*n*. *Mentioned*, 23, 77*n*, 78*n*, 101, 159*n*, 246*n*, 259, 359*n*, 430, 431*n*, 435*n*, 451*n*, 928*n*, 941*n*.
Ship carpenters, 186.
Shippen, William, Jr., 161, 193, 219, 371, 490, 1039; director general hospital, 253; money, 257, 517, 547, 560, 618, 739, 838, 894, 983. *Letters*, 670, 727, 821, 980.
Shipwrights, petition, 89.
Shirts, committee, 414, 487.
Shitz, Henry, 295, 362.
Shoes, committee, 414, 487.

Shoffner, George, lieut., 324.
Shott, John Paul, captain, 324, 325.
Shrop, John, lieut., 186.
Sick, commissary of the, 198, 290.
Sigismund, Ernst, baron, 305.
Silver coins, value, 59.
Simms, Charles, major, 543, 544.
Simon, Joseph, 886.
Simons, Abraham, 43.
Simons, Joseph, 302.
Simpers, John, 966.
Simpers, Thomas, 966.
Simpson, Joseph, 386.
Simpson, Southy, 104, 105, 109.
Singleton, Anthony, captain, 98.
Six Nations, 62, 127, 166, 994.
Skinner, Cortlandt, colonel, 504.
Skinner, John, 255.
Smallpox inoculation, 110.
Smallwood, William, brigadier general, 39, 83, 96, 100, 105, 132, 667, 736.
Smith, Belcher P., 692, 704, 710, 836*n*, 868.
Smith, Brazilla, 86.
Smith, Calvin, 586.
Smith, Daniel, 625.
Smith, Isaac, 628, 836.
Smith, James, *a delegate from Pennsylvania.* Credentials, 1027; attends, 1028; vote, 1056.
Smith, John, 484.
Smith, John, 729.
Smith, John, lieut., 798, 1070.
Smith, Johnson, 892.
Smith, Jonathan Bayard, *a delegate from Pennsylvania.* Credentials, 169, 1027; resigns, 746; attends, 1034. *Committees:* Commissaries, 177; Williamson, 186; treasury, 192; journals, 212; conference with Gates, 218; provisions report, 294*n*; reinforcements, 294; Charlestown, 354, 366*n*; Trumbull, 395; salt, 413, 462; shoes, &c., 414; Allison, 536; rations, 629; War Board, 936; Gates, 1034; army, 1053. *War Board*, 966*n*, 1006, 1008*n*, 1026*n*, 1037*n*. *Votes*, 636, 641, 665. *Mentioned*, 188, 240.
Smith, Joseph, captain, 860.
Smith, Matthew, major, 897.
Smith, Patrick, 776.
Smith, Reuben, 338.
Smith, Robert, 19, 586.
Smith, Robert, captain, 680.
Smith, Samuel, 862.
Smith, Stephen, 174*n*, 185.
Smith, Thomas, *Pennsylvania loan office*, 14, 69, 106, 190*n*, 335, 460, 532, 886, 937, 968, 973, 983, 1005, 1016, 1041, 1042, 1049, 1058.
Smith, Thomas, 416.
Smith, William, *a delegate from Maryland.* Credentials, 131. *Committees:* barbarities, 43; army contract, 134; treasury, 144; Schuyler, 280; commissaries, 281; marine, 313; commerce, 534; rations, 629; army provisions, 962. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 750, 765, 780 *bis*, 781, 782, 801, 804, 807, 808, 810, 835, 849, 850, 853, 854, 867, 868, 879, 881, 896, 904, 950, 951, 970, 980. *Mentioned*, 1023.
Smith, William, continental druggist, 274, 538.
Smith, William, captain, 326.
Smith, William, copper plate printer, 578.
Smith, ———, captain, 38.
Smythers, James, 225.
Snevely, Casper, captain, 479.
Snicker, Edward, 294.
Snowdon, Isaac, 711.
Soap, 473, 580, 609, 796.
Soldiers, maimed and incurable, 164, 390; as servants, 670.
Somerset County, Md., 79, 82, 87, 97, 110, 196, 275, 284, 528.
South Carolina, credentials of delegates, 129; magazines of provisions, 19, 27; money, 165, 227, 568; letters of marque, 223; committee, 660; hospital, 823.
Southouse, Edward, 89.
Spain, commissioners to, Franklin appointed, 8; commission, 521*n*; Lee's commission, 522*n*; loan, 989.
Spear, William, 157.
Specie, northern department, 84; to be coined, 138; from provisions, 1037, 1049.

Spencer, Elihu, 558*n*, 822.
Spencer, Joseph, captain, 165.
Spencer, Joseph, major general, 497, 561, 564, 662, 988, 1020.
Spencer, Thomas, 73.
Spicer, John, 589.
Spingler, ——— captain, 486.
Spirits, manufacture from corn stalks, 929.
Spotswood, Alexander, colonel, 371, 482, 551, 676, 981.
Spring, ——— (widow), 534.
Springfield, Mass., elaboratory and cannon foundry, 139, 266, 561; arms from, 672.
Sproat, William, 192.
Sprogle, Ludowic, 666.
Stable, continental, 46.
Staff, pay of, 50.
Stanley, John Wright, 1053.
Stanton, Joseph, 351.
Stanwix, Fort, 375.
Stapleton, ———, Dr., 344.
Stark, John, brigadier general, 656, 657, 665, 709, 770, 866, 999.
Staten Island, incursions from, 676; expedition against, 700, 808, 823.
States, to withdraw bills of credit, 36; policy in Congress, 106; accounts against the continent, 112; sovereignty, 122*n*; quota of tax, 137, 955; laws of, 291; petitions to King, 341; representation in Congress, 498*n*, 559; committee of, 848, 879, 919, 923. *See* Confederation, articles of.
Stedman, James, lieut., 244.
Steel, Archibald, 936.
Steel, John, captain, 427, 464.
Steel for northern army, 33.
Steiner, Melchior, and Charles Cist, 325.
Stephen, Adam, major general, 133, 173, 1008.
Stephens, Robert, 351.
Stephenson, Hugh, captain, 351.
Sterret, William, 69.
Stevens, Ebenezer, captain, 391.
Stevens, Edward, colonel, 269.
Stevens, John, 1018.
Stevens, Richard, 269.
Stevenson, George, jr., 824.
Stevenson, James, 182, 386, 1065.
Steward, hospital, 233.
Stewart, Archibald, 617, 629.
Stewart, Charles, commissary general of issues, 477*n*, 546, 598, 629, 763, 973.
Stewart, David, 167.
Stewart, John, 1067.
Stewart, Stephen, 590.
Stewart, Walter, colonel, 8, 533, 680, 897.
Stewart, William, lieut., 244.
Stewart, ——, colonel, 110, 111, 170, 189.
Stiles, Joseph, 160.
Stirling, Lord, 64; major general, 133; no compensation for loss, 185. *Letters*, 170, 1048.
Stock, live, removal of, 283, 667.
Stockbridge Indians, 757, 770, 840.
Stockton, Richard, *a delegate from New Jersey*. Prisoner, 12. *Mentioned*, 156, 380*n*, 413, 558*n*, 587.
Stockton, Richard W., 840.
Stone, John Hawkins, colonel, 96, 322, 426, 478.
Stone, Thomas, *a delegate from Maryland*. Credentials, 131.
Stoppages of pay, 369.
Storer, Ebenezer, 628, 836.
Stores, military, removal of, 711.
Stormont, Lord, 601, 607.
Stringer, Richard, 53.
Stringer, Samuel, Dr., 24, 34, 92, 180.
Subalterns, arms for, 670.
Subsistence, allowance, Navy, 581.
Substitutes in army, 262, 1002.
Success, 748.
Sugar Hill, 986.
Sullivan, James, 112.
Sullivan, John, major general, resigns, 528, 537; directions to march, 677; recall, 727*n*, 742, 749; Staten Island, 808, 823. *Letters*, 176, 191, 409, 415, 527, 551, 688, 700, 707, 789, 798, 825, 856, 938, 1047. *Mentioned*, 385, 406, 693, 875, 967.
Sulman, John, 861.
Sulphur, sale, 249, 337; manufacture, 884.
Sumner, John, 946, 1047.
Surgeon general, 162, 234, 257.

Surgeons, regimental, 197, 289; naval, 554.
Surveyors of post office, 816, 817.
Sussex County, Del., loyalists, 83, 275, 284, 528, 644, 991.
Sweers, Cornelius, 590, 892.
Sweetser, Seth, 354.
Sweiney, James, 891.
Swope, Michael, colonel, 835.
Sword to, John Green, 862; Samuel Smith, 862; John Hazelwood, 862.
Sykes, James, *a delegate from Delaware.* Credentials, 219. *Committee:* Schuyler, 280.
Taarling, Peter, 778.
Talbot, Jeremiah, captain, 326, 345.
Talbot, Robert, 160.
Talbot, Silas, captain, 787, 793, 794, 796.
Tallow, 447, 795.
Tar, at Wilmington, 660.
Tarney, Michael, 1067.
Taxation, States, 137, 731; motion on, 167*n;* basis for voting, 781; under confederation, 785, 788, 793, 797, 800, 801, 947*n*; committee on quota, 797.
Taylor, George, 63, 101, 130, 166.
Taylor, Gillam, 360.
Taylor, James, & Co., 874.
Taylor, John, 113.
Taylor, John, paymaster, 618.
Taylor, John, major, 60, 61.
Taylor, Reuben, lieut., 244.
Taylor, Robert, colonel, 387.
Taylor, Thomas, 873, 984.
Tazewell, Henry, 71.
Tazewell, John, 535, 628, 1064.
Teams, number, 395.
Teas, Alexander, lieut., 244.
Telfair, Alexander, 586.
Ten Broek, Abraham, 230, 497.
Ten Broek, Derk, 984.
Tender, lawful, 36.
Tenet, ———, captain, 673.
Tennet, John, 704.
Tents, 352, 481.
Terrill, Abraham, 692.
Terry, Rebecca, 502.
Thanksgiving for Burgoyne's capture, 851, 854, 873.
Thomas, snow, 89.
Thompson, Eben, 71, 365.
Thompson, James, 243.
Thompson, John, captain, 244.
Thompson, William, brigadier general, 238, 332, 631.
Thomson, Charles, 85*n*, 88*n*, 167*n*, 299*n*, 359*n*, 498*n*, 531*n*, 548*n*, 591*n*, 594*n*, 605*n*, 639*n*, 640, 662*n*, 695*n*, 751*n*, 769*n*, 773*n*, 782*n*, 800*n*, 802*n*, 808*n*, 840, 858*n*, 869*n*, 884*n*, 907*n*, 925*n*, 969*n*, 974, 979*n*, 1003*n*, 1068. Officiates as president, 846.
Thornburg, Joseph, 476, 993.
Thornton, Matthew, *a delegate from New Hampshire.* Credentials, 71; leave of absence, 321. *Committees:* Morgan, 15; Allan, 34; saltpeter, 107; Schuyler, 280. *Mentioned*, 94*n*.
Throop, Amos, 464.
Throop, Josiah, 73, 74.
Tibbs, Matthew, 573, 574.
Ticonderoga, 111, 375; cannon, 15, 119; return of garrison, 31, 181; Gates ordered to, 202; defense, 304, 306; evacuation, 569, 585, 596, 653, 659, 669, 674, 681; committee, 688, 758, 787, 900, 1053; reduction of, 866; fortifications, 987; evacuation by British, 1004.
Tillinghast, Daniel, 59, 330, 341, 618, 937.
Tilton, James, Dr., 254, 292.
Timothy, Peter, 130.
Tobacco for France, 983.
Tonyn, Patrick, governor. Intercepted letter, 8.
Tooker, Charles, 692.
Tories. *See* Loyalists.
Tousard, Louis, captain, 606, 705, 877, 902, 903.
Towers, Robert, 303, 578, 754, 851, 1006.
Trade, resolves on, 1089.
Transports, reward for destroying British, 266.
Trapier, Paul, jr., *a delegate from South Carolina.* Credentials, 130.
Travis, Edward, 607.
Treason, 644.
Treasurer, continental, 40, 755.

Treasury, Board of, members, 94, 144, 192, 337, 631, 994.
Treasury, state of, 28; removed to Baltimore, 665.
Treat, Malachi, 254.
Treaty with Germany, 519; Tuscany, 521; State duties, 826, 833; reported, with Great Britain, 951.
Trenton, N. J., removal of stores, 748, 751, 753.
Trentlen, John Adam, 757, 764, 776, 790.
Trickett, William, 360, 503.
Triesback, Just, captain, 143.
Troup, Robert, major, 770.
Trumbull, Francis, 195.
Trumbull, John, 176, 185, 187, 281.
Trumbull, Jonathan, governor. *Letters*, 31, 65, 66, 80, 87, 98, 134, 176, 187, 288, 347, 497, 518, 599, 719, 825, 856, 858, 1021, 1050. *Mentioned*, 9, 46, 70, 111, 291, 369, 396*n*, 418, 535, 847, 1047.
Trumbull, Jonathan, jr., money, 75, 240, 284, 492, 505, 618, 809; pay, 73, 940, 952. *Letters*, 31, 758, 808, 837. *Mentioned*, 327, 349, 382, 705, 894, 940, 1051.
Trumbull, Joseph, commissary general of purchases, 477; to remain in office, 620; on War Board, 971; money, 12, 181, 299, 323, 334, 367, 386, 505, 756, 886. *Letters*, 65, 176, 335, 371, 395, 412, 432, 482, 508, 514, 517, 523, 527, 538, 541, 545, 546, 575, 585, 598, 610, 687, 755, 988, 1021. *Mentioned*, 27, 70, 276, 279, 292, 305, 368, 380, 404, 429, 464, 491, 505, 543, 599, 634, 702.
Tryon, William, 1040.
Tucker, Samuel, captain, 183.
Turnbull, William, auditor, 220, 291, 363, 619, 999, 1011, 1058, 1065.
Turnbull, Livingston and, 809.
Turner, Philip, 254.
Turner, Robert, 803.
Tuscany, commissioner to, 318, 334, 519.
Two Brothers, schooner, 351.
United Provinces of Holland, commissioner, 523, 527, 531.
Valcourt, Chevalier de, 651.
Valfort, ———, 628, 743, 744.
Vallenais, ———, 539, 551, 568.
Vanbibber, Isaac, 298.
Vanbibber and Crocket, 298.
Van Cortland, Philip, colonel, 710.
Van Cortlandt, Pierre, 397, 490, 491, 497, 703.
Van Dyke, Nicholas, *a delegate from Delaware*. Credentials, 219; attends, 409. *Committees:* Marine, 420; Hall, 507; arms, 602. *Votes*, 624, 636, 641.
Van Heer, Bartholomew, 186, 260.
Van Orden, Hezekiah, 936.
Vantassel, John, 1040.
Vantassel, Philip, 1040.
Varick, Richard, 31, 252, 557, 1034, 1035.
Vareigne, ———, captain, 606, 705, 877.
Varnum, James Mitchel, brigadier general, 141, 1001.
Vaughan, Joseph, major, 430.
Vaughan, John, major general, 851.
Vaughan, Thomas, 573, 574, 577.
Vegetables, for army, 439, 609.
Vermilion, 84.
Vermont, 491.
Vernejous, Jean Louis de, 176, 191, 885.
Vernis, ——— de, 189.
Vernon, Frederick, captain, 655.
Vernon, William, 331.
Vessels, armed, of States, 93, 129; in Massachusetts, 182; South Carolina, 223; reward for destroying British, 266; cost of construction, 581; in Virginia, 964; purchase, 973; circular orders, 1082.
Viellon, James, 704.
Vienna, commissioners to, 8, 318, 343, 519.
Villefranche, ———, captain, 765, 875.
Vinegar, 439, 609.
Virginia, credentials, 71, 628; light-horse, 15, 34; defense of frontiers, 21, 247; provisions, 26, 46, 516; 8th regiment, 52; arms for, 68, 173; cloth for troops, 80; 2d battalion, 97, 155; clothes for 7th, 345, 353; troops for Washington's army, 133, 973; Indian expedition, 166, 201; money, 231, 1051; warrants, 377; field pieces, 664; militia, 667; ships in, 964; recruiting regiments, 967, 1038; inoculation, 1016, 1039; expences for prisoners, 1050; representation in Congress, 1064; field pieces, 1069.

Virginia, frigate, 16, 312, 535.
Visgar, Graverod and, 167.
Visscher, John, 170.
Volunteers, foreign, 174.
Voting under confederation, 776, 778, 779, 780, 781, 782, 910.
Vrecourt, Chevalier de, 253, 258, 269.
Vrigny, ———, de, 628, 651, 743, 744, 870.
Wadding, ———, 59.
Wade, Francis, captain, 196, 343, 498, 869.
Wadsworth, Jeremiah, deputy commissary of purchases, 477, 617, 627.
Wagons, impressing committee, 30, 56, 75, 144.
Walker, Benjamin, 790.
Walker, Charles, 83.
Walker, Jacob, captain, 98.
Walker, James, 113.
Walton, George, *a delegate from Georgia*, credentials, 931. *Committees:* treasury, 337; Indian, 508, 776; Georgia, 579. *Votes*, 624, 641, 669, 750, 765, 771, 780, 781, 782, 787. *Mentioned*, 33, 63, 101, 130, 148, 166, 216, 598*n*.
Walton, George (loyalist), 643.
War, Board of, members, 32, 204, 337, 525, 563, 571, 813, 936, 971, 994; order to, 91; money, 126, 207, 361, 572, 688, 778; organization, 241; resolves, 252*n*, 474*n;* on quartermaster, 941; war office, 809, 819, 874, 959; procedure, 946, 953, 960.
Ward, Artemas, major-general, 134, 320, 389. *Letters*, 148, 184, 246.
Ward, Henry, 409.
Ward, Joseph, 246, 252, 320.
Ward, Samuel, 841.
Wardmaster, hospital, 163.
Warner, Seth, colonel, 47, 230, 298, 510, 536.
Warrants for payments, 350, 377; southern department, 574.
Warren, James, speaker, 170, 373, 389.
Warren, James, paymaster, 212, 216, 388.
Warren, James, navy board, 331.
Warren, John, Dr., 729.
Warren, Joseph, major-general, 79, 242, 258.
Warren, 202*n*.
Washington, George, prisoners, 12, 13, 571, 797; reinforcements for, 15, 149, 202, 294, 296, 299; proclamation on allegiance, 95, 165, 1081; rank of officers, 109; French officers, 131; Lee's request, 141; councils of war, 196; appointments, 251; removal of live stock, 283; retaliation, 449; defense of Philadelphia, 549; printing press, 581; on recall of brigadiers, 601; commissaries, 620; powers, 668, 752, 784, 1068; reinforcements from Putnam, 720, 736; intelligence, 726; impressing clothing, 752, 905, 1014; medal, 785; proclamation on deserters, 816; scuttling frigates, 863. *Letters*, 11, 14, 31, 49, 51, 54, 64, 65, 68, 86, 101, 121, 130, 134, 170, 177, 184, 187, 205, 210, 213, 217, 218, 226, 244, 253, 267, 270, 287, 288, 308, 314, 319, 329, 330, 347, 348, 352, 365, 367, 381, 386, 395, 406, 409, 417, 419*n*, 421, 427, 428, 431, 468, 480, 490, 492, 498, 508, 514, 527, 536, 538, 545, 546, 551, 557, 558, 564, 469, 575, 577, 582, 583, 591, 593, 595, 601, 615, 621, 627, 628, 629, 631, 634, 647, 649, 653, 656, 659, 663, 664, 668, 670, 674, 675, 687, 695, 696, 697, 699, 703, 709, 714, 727, 735, 740, 747, 749, 755, 756, 773, 782, 798, 808, 822, 824, 837, 841, 870, 893, 896, 900, 906, 945, 970, 982, 1001, 1006, 1023, 1032, 1054, 1065. *Mentioned*, 7, 15, 20, 32, 38, 41, 42, 44, 45, 50, 52, 53, 66, 68, 70, 74, 82, 87, 89, 90, 94, 97, 98, 107, 110, 114, 119, 124, 125, 133, 148, 160, 161, 168, 171*n*, 177, 179, 181, 186, 190, 203, 204, 221, 229, 238, 251, 260, 272, 298, 300, 324, 333, 336, 344, 346, 351, 362, 364, 380, 385, 391, 395, 396, 416, 427, 430, 450, 453, 475, 537, 540, 547, 562, 567, 581, 594, 599, 600, 603, 604, 608, 624, 651, 667, 668, 683, 686, 696, 698, 701, 706, 710, 726, 738, 749, 751, 753, 762, 763, 770, 774, 785, 793, 828, 831, 836, 851, 873, 883, 929, 939, 944, 965, 966, 972, 976, 981, 991, 1009.
Washington, Samuel, 945.

Washington, Fort, 371.
Washington, 863.
Wasp, 480.
Wastage, allowance, 610.
Waterbury, David, brigadier-general, 102, 109.
Waters, Daniel, 183.
Watkins, Josiah, 891.
Watman, Michael, 115.
Watts, Frederick, colonel, 371, 393, 487.
Watts, Henry, 845.
Wayne, Anthony, brigadier general, 49, 134, 141, 882*n*, 1017. *Letters*, 180, 260, 386, 531.
Ways and Means, 648, 652, 654, 689, 696, 697, 702, 706, 709, 724.
Weare, Meshech, 49, 50.
Weaver, Jacob, captain, 80, 204, 482, 506, 554, 668, 768, 847.
Webb, Thomas, captain, 367.
Weedon, George, brigadier general, 141, 633, 711, 1057.
Weiss, Lewis, 325.
Wells, John, 341.
Welsh, Enoch, 556, 693.
Welsh, Michael, 1008.
Wentworth, John, governor, 187.
Wesley, John, lieut., 304.
West, Edward, 906.
West, William, jun., major, 52, 598, 604, 623.
West Augusta, Va., 21, 100.
Westcot, Richard, 476.
West Florida, expedition against, 566.
West Indies, supplies from, 466.
West Indies, French, corps to be raised, 177.
Westmoreland, Pa., 70, 100, 113, 229, 246, 255.
Weyman, Edward, 738.
Wharton, Carpenter, 14, 15, 27, 41, 70, 177, 180, 255, 268, 272, 280, 303, 499.
Wharton, John, 615.
Wharton, Thomas, jr., 227*n*, 406, 469, 483, 623, 713, 714, 720, 740, 744.
Wharton, Thomas, sr., 694, 714, 718.
Wheat, to be laid up, 168*n*; removed, 316; for flour, 769; to be threshed, 1015.
Wheeler, Samuel, 193, 228, 272, 361*n*.
Whetstone, Jacob, captain, 486.
Whipple, William, *a delegate from New Hampshire*. Credentials, 71. *Committees:* Campbell, 45; conference with Gates, 175. *Mentioned*, 255, 465, 496, 1020.
Whitcomb, Benjamin, captain, 561.
White, James, 41.
White, John, major, 568, 617, 647, 749, 783, 792, 984.
White, John, 541.
White, Joseph, 602.
White, Robert, 640, 700, 744.
White, Thomas, 860.
White, William, Rev., 756, 824.
White Eyes, Captain, 825.
Whitmore, Edward, 101.
Whittlesy, Charles, 541.
Widows, provision for soldiers', 177.
Wikoff, Isaac, 1038.
Wilcox, Mark, 302.
Wilkins, John, captain, 453.
Wilkinson, James, brigadier general, 851, 856, 870.
Willet, Marinus, lieut. col., 709, 772.
Willets, Amos, 540.
Williams, John, colonel, 1071.
Williams, Otho H., 553.
Williams, William, *a delegate from Connecticut*. Credentials, 11; attended, 496; leave of absence, 994. *Committees:* McIntosh, 788; war board, 813. *War Board*, 824*n*, 871*n*, 883*n*, 960*n*, 966*n*. *Votes*, 669, 675, 682, 684, 725, 726, 730, 734, 750, 762, 765, 771, 779, 780, 781, 782, 787, 801, 803, 807, 808, 810, 835, 843, 849, 850, 853, 854, 867, 868, 879, 880, 896, 904, 934, 935, 950, 951, 970, 980. *Mentioned*, 968.
Williams, William, major, 897.
Williams, ——, captain, 1070.
Williamson, Hugh, Dr., 186, 371.
Willing and Morris, 210, 542, 548, 706, 816.
Wilmot, Simon, lieut., 424.

Wilson, James, *a delegate from Pennsylvania.* Credentials, 169; leave of absence, 367; superseded, 746; nominated to France, 947*n*. *Committees:* Franklin's commission, 9; Bingham, 66; Campbell, 68; appeals, 75, 337; impressments, 78; Somerset County, 79; brig *Joseph*, 86; New England committee, 94; Williamson, 186; conference with Gates, 189; Lancaster, 203; enemy's advance, 247; recruiting, 257; enemy's ships, 266; toryism, 275; reinforcements, 294; address, 314, 404*n*; neutrality, 318; Trumbull, 381; Indians, 384; Hall, 507, 531*n*; Du Coudray, 558, 630; Georgia, 579; Deane, 596; North, 599; pay, 624; rations, 629; frontiers, 648; South Carolina and Georgia, 660; Trumbull, 720. *Reports*, 88, 208*n*, 361*n*, 511, 727*n*. *War Board*, 518*n*, 550*n*, 554*n*, 557*n*, 560*n*, 566*n*, 567*n*, 571*n*, 581*n*, 585, 591*n*, 592*n*, 595, 614*n*, 639, 656*n*, 657*n*, 670, 677*n*, 681*n*, 698*n*, 699*n*, 711*n*. *Votes*, 624, 636, 641, 665, 669, 675, 682, 684, 725, 726, 730, 735. *Mentioned*, 123*n*, 155*n*, 159*n*, 245*n*, 259, 391*n*, 591*n*.
Wilson, James, captain, 360.
Wilson, James Armstrong, major, 630, 774, 790, 832, 1049.
Wilson, William, 228.
Wilson, ———, 1020*n*.
Wiltner, ———, 302.
Winans, Jacob, captain, 393.
Winder, Lewis, capt., 23.
Winslow, John, captain, 238, 475.
Winslow and Ingraham, 963.
Winster, John, captain, 98.
Winters, Elisha, 174.
Winthrop, William, 212.
Wirtz, Christian, 407, 422.
Wisner, Henry, 337, 397.
Witherspoon, John, *a delegate from New Jersey.* Credentials, 1017; leave of absence, 156; attends, 1032. *Committees:* Baltimore prisoners, 17; barbarities, 42; journals, 101; post-office, 127; North Carolina prisoners, 128; Williamson, 186; conference with Gates, 189; health of army, 193; a motion, 272; expenses, 1777, 362; Franklin, 607; New England, 650; war, 813; Gates, 1034; army, 1053; Ticonderoga, 1053; Washington, 1054. *Votes*, 665, 669, 725, 726, 730, 734, 780 *bis*, 781, 782, 787, 801, 804, 807, 808, 810, 835, 843, 849, 850, 1056. *Mentioned*, 48, 159*n*, 335, 558*n*.
Wolcott, Oliver, *a delegate from Connecticut.* Credentials, 11; leave of absence, 321. *Committees:* Marine, 10; Allan, 34; Pennsylvania, 55; Georgia, 67; health of army, 193; Schuyler, 280. Report on Indians, 166.
Wood, James, colonel, 21, 207, 216, 301, 332, 481, 505.
Wood, James, jr., 931.
Wood, Joseph, *a delegate from Georgia.* Credentials, 931. *Committee:* Marine, 935. *Votes*, 934, 935, 970, 1056.
Wood, Joseph, colonel, 251, 370, 753, 897, 1016.
Wood, Robert, 207, 458.
Woodford, William, brigadier-general, 141; question of rank, 142, 981.
Woodson, Samuel, captain, 148.
Woolford, Thomas, lieut. col., 323.
Woollens for army, 152; appraisal, 167.
Wooster, David, brigadier-general, 368, 472, 833.
Worcester County, Md., 79, 82, 87, 97, 110, 196, 275, 284.
Worcester County, Mass., barracks, 173, 191.
Wright, Anthony, 891.
Wylie, Thomas, 891.
Wyllys, George, 11.
Wynkoop, Henry, 424.
Wynkoop, J., 650.
Wythe, George, 13, 72.
Yancey, Robert, 1039.
Yates, Thomas, captain, 39, 139, 474.
Yates, Robert, 350.
Yates, William, 253.
Yauncey, ———, captain, 160.

Yeates, Jasper, 100.
York, Pa., 105; convention on prices, 124; petition, 220; prisoners, 592, 665; treasury at, 755; Congress removes to, 755; printing press, 817; barracks, 1018.
York County, Pa., 325.
Young, Hugh, 28.
Young, James, 303.
Young, John, 388, 687, 698.
Young, Thomas, Dr., 87.
Young, Thomas, 491, 497, 510, 513.
Young, William, 33, 332.
Zantzinger, Paul, 946, 984, 1017.
Zedwitz, Herman, colonel, 287, 552, 566.
Zedwitz, Juliana, 673.
Zeigler, David, lieut., 585.

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